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108:33/PT.1-199/980MF

# code of federal regulations

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# 33

## Navigation and Navigable Waters

PARTS 1 TO 199

Revised as of July 1, 1980

022-003-93958-0

COMPLETED

# code of federal regulations

## 33

## Navigation and Navigable Waters

### PARTS 1 TO 199

Revised as of July 1, 1980

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|---|---|
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| Title 17 through Title 27 | as of April 1 |
| Title 28 through Title 41 | as of July 1 |
| Title 42 through Title 50 | as of October 1 |

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**Ernest J. Galdi,**
*Acting Director,*
*Office of the Federal Register.*

*July 1, 1980.*

# THIS TITLE

Title 33—NAVIGATION AND NAVIGABLE WATERS is composed of two volumes. The contents of these volumes represent all current regulations codified under this title of the CFR as of July 1, 1980. The first volume, Parts 1—199, contains current regulations of the Coast Guard, Department of Transportation. The second volume, Part 200 to end, contains current regulations of the Corps of Engineers, Department of the Army, and the Saint Lawrence Seaway Development Corporation, Department of Transportation.

Redesignation tables appear in the Finding Aids section of each volume.

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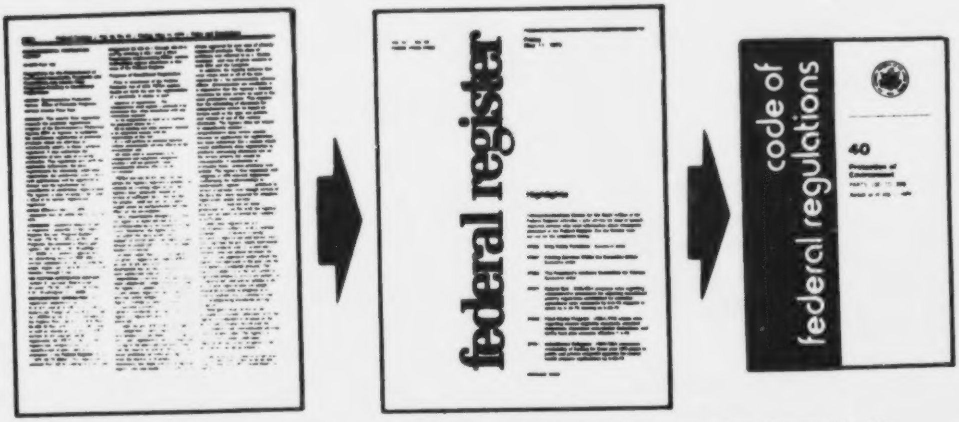

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# Title 33—Navigation and Navigable Waters

(This book contains Parts 1-199)

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# Chapter I—Coast Guard, Dept. of Transportation

Federal Communications Commission: Stations on shipboard in the Maritime Services: 47 CFR, Part 83.
Maritime Administration, Department of Commerce: 46 CFR Chapter II.
Federal Maritime Commission: 46 CFR Chapter IV.

NOTE: Other regulations issued by the Department of Transportation appear in Title 14, I; 23, I, II; 32A, VII; 33, I, IV; 41, 12; 46, I, III; 49 Subtitle A, I, II, III, IV, V, VI.

ABBREVIATIONS: The following abbreviations are used in this chapter:

BMC = *Chief Boatswains Mate.* CGFR = *Coast Guard Federal Register document number.* CG = *Coast Guard.* EM = *Electrician's Mate.* LS = *Lightship.* NC = *Flag hoist meaning. "I am in distress and require immediate assistance."* NCG = *Call letters for any Coast Guard Shore Radio Station.* OAN = *Aids to Navigation Division.* PTP = *Training and Procurement.* U.S.C.G. = *United States Coast Guard.*

# SUBCHAPTER A—GENERAL

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## Subpart 1.01—Delegation of Authority

AUTHORITY: Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545, R.S. 4405, as amended, 4462, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended; 5 U.S.C. 552, 14 U.S.C. 2, 633, 46 U.S.C. 375, 416, 2, unless otherwise noted.

SOURCE: CGFR 48-72, 13 FR 9330, Dec. 31, 1948, unless otherwise noted.

### § 1.01-1 District Commander.

Final authority for the performance within the confines of his district of the functions of the Coast Guard, which in general terms are maritime law enforcement, saving and protecting life and property, safeguarding navigation on the high seas and navigable waters of the United States, and readiness for military operations, is delegated to the District Commander by the Commandant. In turn delegations of final authority run from the District Commander to commanding officers of units under the District Commander for the performance of the functions of law enforcement, patrol of marine regattas and parades, and the saving of life and property which come within the scope of their activities.

### § 1.01-20 Officer in Charge, Marine Inspection.

(a) Final authority is vested in the Officer in Charge, Marine Inspection, for the performance, within the area of his jurisdiction, of the following functions: inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to safe construction, equipment, manning, and operation and that they are in a seaworthy condition for the services in which they are operated; shipyard and factory inspections; the investigation of marine casualties and accidents; the licensing, certificating, shipment and discharge of seamen; the investigating and initiating of action in cases of misconduct, negligence, or incompetence of merchant marine officers or seamen; and the enforcement of vessel inspection, navigation, and seamen's laws in general. Specific procedures for appealing the decisions of the Officer in Charge, Marine Inspection, or of his subordinates are set forth in 46 CFR Parts 1 to 4.

(b) This officer is also delegated authority to prescribe distinctive lights for ferryboats operated by different companies as provided by §§ 80.15, 90.18, and 95.27 of this chapter.

### § 1.01-30 Captains of the Port.

(a) Captains of the Port and their representatives enforce within their respective areas port safety and security and marine environmental protection regulations, including, without limitation, regulations for the protection and security of vessels, harbors, and waterfront facilities; anchorages; security of vessels; waterfront facilities; security zones; safety zones; regulated navigation areas; deepwater ports; water pollution, and ports and waterways safety.

(b) The Representative of the Captain of the Port at Sault Ste. Marie, Michigan, is in charge of the St. Mary's River Patrol, and has authority to control the routing of traffic through the dredged channels contingent upon the physical conditions at the time, as provided in Part 92 of this chapter.

(c) Under authority conferred by 14 U.S.C. 89, any commissioned, warrant, or petty officer of the United States Coast Guard may assist in discharging the duties of the captain of the port in any port or adjacent navigable waters of the United States. They will do so under the supervision and general direction of the cognizant captain of the port, or representative of the captain of the port, if there be one for the locality involved.

(86 Stat. 427, 431 (33 U.S.C. 1224, 46 U.S.C. 391a); 49 CFR 1.46)

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948, as amended by CGFR 61-55, 26 FR 12570, Dec. 28, 1961; CGD 77-091, 42 FR 48022, Sept. 22, 1977]

### § 1.01-40 Delegation to the Vice Commandant.

The Commandant delegates to the Vice Commandant authority to take final agency action under 46 CFR Subparts 5.25, 5.30 and 5.35 on each petition to reopen a hearing and on each appeal from a decision of an administrative law judge, except on petition or appeal in a case in which an order of revocation has been issued. This delegation does not prevent the Vice Commandant from acting as Commandant, as prescribed in 14 U.S.C. 47(a), for all purposes of 46 CFR Part 5.

[CGD 78-110, 43 FR 43298, Sept. 25, 1978]

## Subpart 1.05—Rulemaking

AUTHORITY: Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545, R.S. 4405, as amended, 4462, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended, 5 U.S.C. 552, 14 U.S.C. 2, 633; 46 U.S.C. 375, 416, 2, unless otherwise noted.

SOURCE: CGFR 48-72, 13 FR 9330, Dec. 31, 1948, unless otherwise noted.

### § 1.05-1 General.

(a) The Secretary of Transportation is empowered by various statutes to issue regulations regarding the functions, powers and duties of the Coast Guard.

(b) The Secretary of Transportation by 49 CFR 1.45 and 1.46 has delegated to the Commandant, U.S. Coast Guard, the authority to issue regulations regarding the functions, powers and duties of the Coast Guard together with the authority to redelegate and authorize successive redelegations of that authority within the Coast Guard.

(c) The Commandant redelegates to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to:

(1) Grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and Part 26 of this chapter.

(d) Subject to the provisions of paragraphs (e) and (f) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority, under section 13 of the Federal Board Safety Act of 1971, to issue regulations applicable to a specific boat within his jurisdiction designating that boat unsafe for a specific voyage on a specific body of water when it is determined, under the provisions of § 177.07(g) of this chapter, that an unsafe condition exists.

(e) Each regulation issued by a Coast Guard District Commander under the provisions of paragraph (d) of this section shall contain—

(1) Notice that the person upon whom the rule is served has the right, under the Administrative Procedure Act (5 U.S.C. 553(e)), to petition for reconsideration and repeal of the rule;

(2) Full title and address of the Coast Guard District Commander to whom the petition is to be submitted; and

(3) Notice that the petition should contain—

(i) The text or substance of the rule which the petitioner seeks to have reconsidered and repealed;

(ii) A statement of the action sought by the petitioner;

(iii) Whatever arguments or data that are available to the petitioner to support the action sought; and

(iv) If the petitioner desires reconsideration and repeal of the rule before a specific date, the petition should so state and give reasons why action by that date is necessary.

(f) If a Coast Guard District Commander determines that a petition submitted under the provisions of paragraph (e) of this section contains adequate justification, he shall initiate prompt rulemaking action to repeal the rule. If the Coast Guard District Commander determines that repeal of the rule is not justified, he shall issue prompt written notice of denial to the petitioner.

(g) Except for those matters specified in paragraph (h) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the following:

(1) The establishment and disestablishment of anchorage grounds and special anchorage areas.

(2) Changes to the anchorage regulations.

(3) The operation of drawbridges.

(h) The Commandant reserves authority to issue any rules and regulations specified in paragraph (g) of this section which:

(1) Are determined to be significant in accordance with the Department of Transportation's Regulatory Policies and Procedures, as published in the FEDERAL REGISTER on February 26, 1979 (44 FR 11034);

(2) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(3) Have been shown to generate controversy on an issue of importance to a particular locality.

(5 U.S.C. 553; 14 U.S.C. 632; Pub. L. 92-63, 85 Stat. 165, (33 U.S.C. 1201-8); 33 U.S.C. 471, 180, 258, 322, and 499; 46 U.S.C. 1488; 49 U.S.C. 1655, 1657; 49 CFR 1.4(a), (g), 1.45(b), and 1.46)

[CGFR 69-115, 35 FR 8279, May 27, 1970, as amended by CGFR 70-115, 35 FR 15922, Oct. 9, 1970; CGFR 71-95, 36 FR 19160, Sept. 30, 1971; CGD 72-105R, 37 FR 16546, Aug. 16, 1972; CGD 73-256, 39 FR 9176, Mar. 8, 1974; CGD 73-40R, 39 FR 10131, Mar 18, 1974; CGD 79-096, 44 FR 51585, Sept. 4, 1979]

### § 1.05–3 Advance notice of proposed rulemaking.

An advance notice of proposed rulemaking may be issued under the Coast Guard policy for the early institution of public rulemaking proceedings. An advance notice is issued if the resources of the Coast Guard and a reasonable inquiry outside the Coast Guard do not yield a sufficient basis for identifying and selecting tentative or alternate courses of action upon which a rulemaking proceeding might be undertaken. An advance notice is also issued if it is helpful to invite early public participation in the identification and selection of tentative or alternate courses of action upon which a rulemaking proceeding might be undertaken.

[CGD 75-193, 41 FR 7506, Feb. 19, 1976]

### § 1.05–5 Notices of proposed rulemaking.

(a) Whenever proposed changes in or additions to regulations relating to Coast Guard activities come within the scope of section 4 of the Administrative Procedure Act or are required by the provisions of a particular statute under which the authority to promulgate such regulations is given, notice of intention to consider enacting or amending rules and regulations or granting or withdrawing approvals of equipment for use on vessels will be published in the FEDERAL REGISTER, and will be distributed to interested parties for review and comment, upon request. Publication of the notice will be made approximately 30 days, or more if possible, before either the hearing or the final date for submission of comments, except that in certain cases circumstances may make it necessary to give less than 30 days' notice.

(b) Copies of the notice of proposed rulemaking or the full text of proposed regulations or type approvals of equipment will be distributed to interested parties for review and comment, so long as such copies are available. The notice will state where copies are available for inspection purposes only.

### § 1.05–10 Hearings.

(a) When required by the provisions of the particular statute under which the proposed regulations are to be promulgated, a public hearing shall be held in accordance with the notice of proposed rulemaking unless an emergency exists or it is contrary to the public interest to hold such a hearing.

(b) When the proposed regulations regarding activities under the cognizance of the United States Coast Guard may be of such scope and future effect that it would be in the public interest and would tend to promote safety of life and property at sea, a public hearing may also be held to allow for the orderly presentation of comments, suggestions, and recommendations.

(R.S. 4233A, as amended, 4417a, as amended, 4472, as amended, sec. 1, 30 Stat. 96, as amended; 33 U.S.C. 353, 46 U.S.C. 391a, 170, 33 U.S.C. 157)

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948, as amended by CGFR 61-55, 26 FR 12570, Dec. 28, 1961]

### § 1.05–15 Hearing officer or panel of officers.

(a) Except as provided under § 1.05–25, each hearing under § 1.05–10 is conducted by a Hearing Officer or a panel of officers appointed by the Marine Safety Council.

(b) Each Hearing Officer or panel of officers described in paragraph (a) hears the comments on proposed rules and regulations that are presented at each hearing.

[CGD 75-193, 41 FR 7506, Feb. 19, 1976]

### § 1.05–20 [Reserved]

### § 1.05–25 Hearings on regulations having only local applicability.

When proposed regulations have only local applicability, hearings, whenever practicable, will be held in the locality to which such regulations apply by an officer designated by the Commandant, U.S. Coast Guard.

### § 1.05–30 Final action.

(a) After the hearing or after the final date when comments may be submitted in accordance with the notice of proposed rulemaking, the Merchant

Safety Council or the official designated in the notice shall consider all the data, views or arguments submitted and shall forward to the appropriate officer recommendations regarding the proposed regulations.

(b) Final action on the proposed regulation will be determined and the regulation issued by the Commandant or any other person delegated or otherwise authorized to issue rules.

(c) Amendments to the regulations or new regulations will be published in the FEDERAL REGISTER. The effective date will be not less than 30 days after the date of publication except when otherwise provided by the Administrative Procedure Act.

(5 U.S.C. 553; 49 U.S.C. 1655, 1657; 49 CFR 1.4(a) and (g), 1.46(b))

[CGFR 69-115, 35 FR 8279, May 27, 1970, as amended by CGD 72-105R, 37 FR 16546, Aug. 16, 1972; CGD 75-193, 41 FR 7506, Feb. 19, 1976]

## Subpart 1.07—Enforcement; Civil and Criminal Penalty Proceedings

AUTHORITY: Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545, sec. 2, 63 Stat 496, as amended; 5 U.S.C. 552, 14 U.S.C. 2, 633.

SOURCE: CGD 78-82, 43 FR 54186, Nov. 20, 1978, unless otherwise noted.

### § 1.07-1 Purpose.

This part describes procedures for enforcement and administration of all statutory penalty provisions that the Coast Guard is authorized to enforce.

### § 1.07-5 Definitions.

(a) The term "District Commander," when used in this subpart, means the District Commander or a member of his staff.

(b) The term "Hearing Officer" means a Coast Guard officer or employee who has been delegated the authority to assess civil penalties.

(c) The term "party" means the person alleged to have violated a statute or regulation to which a civil penalty applies and includes an individual or public or private corporation, partnership or other association, or a governmental entity.

### § 1.07-10 Reporting and investigation.

(a) Any person may report an apparent violation of any law, regulation, or order that is enforced by the Coast Guard to any Coast Guard facility. When a report of an apparent violation has been received, or when an apparent violation has been detected by any Coast Guard personnel, the matter is investigated or evaluated by Coast Guard personnel.

(b) Reports of any investigation conducted by the Coast Guard or received from any other agency which indicate that a violation may have occurred are forwarded to the District Commander of the District in which the violation is believed to have occurred. The District Commander reviews the reports to determine if there is sufficient evidence to establish a *prima facie* case. If there is insufficient evidence, the case is either returned for further investigation or closed if further action is unwarranted. The case is closed in situations in which the investigation has established that a violation did not occur, the violator is unknown, or there is little likelihood of discovering additional relevant facts. If it is determined that a *prima facie* case does exist, a case file is prepared and forwarded to the Hearing Officer, with a recommended action. A record of any prior violations by the same person or entity, is forwarded with the case file.

### § 1.07-15 Hearing officer.

(a) Each District Commander delegates to one or more Coast Guard officers or employees on his staff the authority to act as Hearing Officer. The Hearing Officer has no other responsibility, direct or supervisory, for the investigation of cases referred to him for the assessment of civil penalties.

(b) The Hearing Officer decides each case on the basis of the evidence before him, and must have no prior connection with the case. The Hearing Officer is solely responsible for the decision in each case referred to him.

(c) The Hearing Officer is authorized to administer oaths and issue subpenas necessary to the conduct of a hearing, to the extent provided by law.

### § 1.07-20 Initiation of action.

(a) When a case is received for action, the Hearing Officer makes a preliminary examination of the material submitted. If, on the basis of the preliminary examination, the Hearing Officer determines that there is insufficient evidence to proceed, or that there is any other reason which would make penalty action inappropriate, the Hearing Officer returns the case to the District Commander with a written statement of the reason. The District Commander may close the case or cause a further investigation of the alleged violation to be made with a view toward resubmittal of the case to the Hearing Officer.

(b) If on the basis of the preliminary examination of the case file, the Hearing Officer determines that a violation appears to have been committed, the Hearing Officer notifies the party in writing of:

(1) The alleged violation and the applicable law or regulations;

(2) The amount of the maximum penalty that may be assessed for each violation;

(3) The general nature of the procedure for assessing and collecting the penalty;

(4) The amount of penalty that appears to be appropriate, based on the material then available to the Hearing Officer;

(5) The right to examine all materials in the case file and have a copy of all written documents provided upon request; and,

(6) The fact that the party may demand a hearing prior to any actual assessment of a penalty.

(c) If at any time it appears that the addition of another party to the proceedings is necessary or desirable, the Hearing Officer provides the additional party with notice as described above.

### § 1.07-25 Preliminary matters.

(a) Within 30 days after receipt of notice of the initiation of the action, as described above, the party, or counsel for the party, may request a hearing, provide any written evidence and arguments in lieu of a hearing, or pay the amount specified in the notice as being appropriate. A hearing must be requested in writing; the request must specify the issues which are in dispute. Failure to specify a nonjurisdictional issue will preclude its consideration.

(b) The right to a hearing is waived if the party does not submit the request to the Hearing Officer within 30 days after receiving notice of the alleged violation. At the discretion of the Hearing Officer, a hearing may be granted if the party submits a late request.

(c) The Hearing Officer must promptly schedule all hearings which are requested. The Hearing Officer shall grant any delays or continuances which may be necessary or desirable in the interest of fairly resolving the case.

(d) A party who has requested a hearing may amend the specification of the issues in dispute at any time up to 10 days before the scheduled date of the hearing. Issues raised later than 10 days before the scheduled hearing may be presented only at the discretion of the Hearing Officer.

### § 1.07-30 Disclosure of evidence.

The alleged violator may, upon request, receive a free copy of all the written evidence in the case file, except material that would disclose or lead to the disclosure of the identity of a confidential informant. Other evidence or material, such as blueprints, sound or video tapes, oil samples, and photographs may be examined in the Hearing Officer's offices. The Hearing Officer may provide for examination or testing of evidence at other locations if there are adequate safeguards to prevent loss or tampering.

### § 1.07-35 Request for confidential treatment.

(a) In addition to information treated as confidential under § 1.07-30, a request for confidential treatment of a document or portion thereof may be made by the person supplying the information on the basis that the information is:

(1) Confidential financial information, trade secrets, or other material exempt from disclosure by the Freedom of Information Act (5 U.S.C. 552);

(2) Required to be held in confidence by 18 U.S.C. 1905; or

(3) Otherwise exempt by law from disclosure.

(b) The person desiring confidential treatment must submit the request to the Hearing Officer in writing and state the reasons justifying nondisclosure. Failure to make a timely request may result in a document being considered as nonconfidential and subject to release.

(c) Confidential material is not considered by the Hearing Officer in reaching a decision unless—

(1) It has been furnished by a party, or

(2) It has been furnished pursuant to a subpena.

### § 1.07-40 Counsel.

A party has the right to be represented at all stages of the proceeding by counsel. After receiving notification that a party is represented by counsel, the Hearing Officer directs all further communications to that counsel.

### § 1.07-45 Location of hearings.

(a) The hearing is normally held at the office of the Hearing Officer.

(b) The party may request that a case be transferred to another Hearing Officer or that the hearing be held at a location other than the office of the Hearing Officer. The request must be in writing and state the reasons why the requested action is necessary or desirable. Action on the request is at the discretion of the Hearing Officer.

### § 1.07-50 Witnesses.

A party may present the testimony of any witness either through a personal appearance or through a written statement. The party may request the assistance of the Hearing Officer in obtaining the personal appearance of a witness. The request must be in writing and state the reasons why a written statement would be inadequate, the issue or issues to which the testimony would be relevant, and the substance of the expected testimony. If the Hearing Officer determines that the personal appearance of the witness may materially aid in the decision on the case, the Hearing Officer seeks to obtain the witness' appearance. Because many statutes prescribing civil penalties do not provide subpena power, there may be cases where a witness cannot be required to attend. In such a case, the Hearing Officer may move the hearing to the witness' location, accept a written statement, or accept a stipulation in lieu of testimony. If none of these procedures is practical, the Hearing Officer shall proceed on the basis of the evidence before him.

### § 1.07-55 Hearing procedures.

(a) The Hearing Officer must conduct a fair and impartial proceeding in which the party is given a full opportunity to be heard. At the outset of the hearing, the Hearing Officer insures that the party is aware of the nature of the proceeding and of the alleged violation, and of the provisions of the law or regulation allegedly violated.

(b) The material in the case file pertinent to the issues to be determined by the Hearing Officer is presented. The party has the right to examine, and to respond to or rebut, this material. The party may offer any facts, statements, explanations, documents, sworn or unsworn testimony, or other exculpatory items which bear on appropriate issues, or which may be relevant to the size of an appropriate penalty. The Hearing Officer may require the authentication of any written exhibit or statement.

(c) At the close of the party's presentation of evidence, the Hearing Officer may allow the introduction of rebuttal evidence. The Hearing Officer may allow the party to respond to any such evidence submitted.

(d) In receiving evidence, the Hearing Officer is not bound by strict rules of evidence. In evaluating the evidence presented, the Hearing Officer must give due consideration to the reliability and relevance of each item of evidence.

(e) The Hearing Officer may take notice of matters which are subject to a high degree of indisputability and are commonly known in the community or are ascertainable from readily available sources of known accuracy. Prior to taking notice of a matter, the Hearing Officer gives the party an opportunity to show why notice should not be taken. In any case in which notice is taken, the Hearing Officer places a written statement of the matters as to which notice was taken in the record, with the basis for such notice, including a statement that the party consented to notice being taken or a summary of the party's objections.

(f) After the evidence in the case has been presented, the party may present argument on the issues in the case. The party may also request an opportunity to submit a written statement for consideration by the Hearing Officer and for further review. The Hearing Officer shall allow a reasonable time for submission of the statement and shall specify the date by which it must be received. If the statement is not received within the time prescribed, or within the limits of any extension of time granted by the Hearing Officer, the Hearing Officer renders his decision in the case.

### § 1.07-60 Records.

(a) A verbatim transcript will not normally be prepared. The Hearing Officer prepares notes on the material and points raised by the party, in sufficient detail to permit a full and fair review and resolution of the case, should it be appealed.

(b) A party may, at its own expense, cause a verbatim transcript to be made. If a verbatim transcript is made, the party shall submit two copies to the Hearing Officer not later than the time of filing and administrative appeal. The Hearing Officer includes them in the record.

### § 1.07-65 Hearing officer's decisions.

(a) The Hearing Officer issues a written decision. Any decision to assess a penalty is based upon substantial evidence in the record. If the Hearing Officer finds that there is not substantial evidence in the record establishing the alleged violation or some other violation of which the party had full and fair notice, the Hearing Officer shall dismiss the case and remand it to the District Commander. A dismissal is without prejudice to the District Commander's right to refile the case and have it reheard if additional evidence is obtained. A dismissal following a rehearing is final and with prejudice.

(b) If the Hearing Officer assesses a penalty, the Hearing Officer's decision contains a statement advising the party of the right to an administrative appeal. The party is advised that failure to submit an appeal within the prescribed time will bar its consideration and that failure to appeal on the basis of a particular issue will constitute a waiver of that issue in any subsequent proceeding.

### § 1.07-70 Right to appeal.

(a) Any appeal from the decision of the Hearing Officer must be submitted by a party within 30 days from the date of receipt of the decision. The appeal and any supporting brief must be submitted to the Hearing Officer. The only issues which will be considered on appeal are those issues specified in the appeal which were properly raised before the Hearing Officer and jurisdictional questions.

(b) The failure to file an appeal within the prescribed time limit results in the action of the Hearing Officer becoming the final agency action in the case.

### § 1.07-75 Action on appeals.

(a) Upon receipt, the Hearing Officer provides a copy of the appeal and any supporting brief to the District Commander. Any comments which the District Commander desires to submit must be received by the Hearing Officer within 20 days. The Hearing Officer includes the District Commander's comments in the record and furnishes a copy to the party. Upon receiving the District Commander's comments, or not later than 20 days after receipt of the appeal if no comments are submitted by the District Commander, the Hearing Officer forwards all materials in the case to the Commandant.

(b) The Commandant issues a written decision in each case and furnishes copies to the party, the District Commander, and the Hearing Officer. The Commandant may affirm, reverse, or modify the decision, or remand the case for new or additional proceedings. In the absence of a remand, the decision of the Commandant on appeal shall be final. In addition to the actions which may be taken by the Commandant on appeal, the Commandant may also remit, mitigate or suspend the assessment in whole or in part. Upon the taking of remission, mitigation, or suspension action, the Commandant will inform the party of the action and any conditions placed on the action.

### § 1.07-80 Reopening of hearings.

(a) At any time prior to final agency action in a civil penalty case, a party may petition to reopen the hearing on the basis of newly discovered evidence.

(b) Petitions to reopen must be in writing describing the newly found evidence and must state why the evidence would probably produce a different result favorable to the petitioner, whether the evidence was known to the petitioner at the time of the hearing and, if not, why the newly found evidence could not have been discovered in the exercise of due diligence. The party must submit the petition to the Hearing Officer and provide a copy to the District Commander.

(c) The District Commander may file comments in opposition to the petition. If comments are filed, a copy is provided the party.

(d) A petition to reopen is considered by the Hearing Officer unless an appeal has been filed, in which case the petition is considered by the Commandant.

(e) The decision on the petition is decided on the basis of the record, the petition, and the comments in opposition, if any. The petition is granted only when newly found evidence is described which has a direct and material bearing on the issues and when a valid explanation is provided as to why the evidence was not and could not have been, in the exercise of due diligence, produced at the hearing. The decision is rendered in writing.

(f) Following a denial of a petition to reopen, the party is given 30 days to file an appeal if one has not already been filed, or to amend an appeal which has already been filed.

### § 1.07-85 Collection of civil penalties.

(a) Authority for the collection of civil penalties is hereby delegated to the Commander of each Coast Guard District.

(b) Payment of a civil penalty may be made by check or postal money order payable to the U.S. Coast Guard.

(c) Within 30 days after the Commandant's decision on appeal, or within 30 days after the Hearing Officer's decision in a case in which no appeal has been filed, the party must submit payment of any assessed penalty to the District Commander. Failure to make timely payment will result in the institution of appropriate action under the Federal Claims Collection Act and the regulations issued thereunder.

(d) When a penalty of not more than $200 has been assessed under the Federal Boat Safety Act of 1971, the matter may be referred for collection of the penalty directly to the Federal Magistrate of the jurisdiction wherein the person liable may be found, for the institution of collection procedures under supervision of the district court, if the court has issued an order delegating such authority under section 636(b) of Title 28, United States Code.

### § 1.07-90 Criminal penalties.

(a) Prosecution in the Federal courts for violations of those laws or regulations enforced by the Coast Guard which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) Except in those cases where the approval of the Commandant is required, the District Commander is authorized to refer the case to the U.S. attorney. The Commandant's approval is required in the following cases where evidence of a criminal offense is disclosed:

(1) Marine casualties or accidents resulting in death.

(2) Marine Boards (46 CFR Part 4).

(3) Violations of port security regulations (33 CFR Parts 6, 121 to 126 inclusive).

(c) The District Commander will identify the laws or regulations which were violated and make specific recommendations concerning the proceedings to be instituted by the U.S. attorney in every case.

### § 1.07-95 Civil and criminal penalties.

(a) If a violation of law or regulation carries both a civil and a criminal penalty, the District Commander is authorized to determine whether to institute civil penalty proceedings or to refer the case to the U.S. attorney for prosecution in accordance with § 1.07-90.

(b) When the U.S. Attorney declines to institute criminal proceedings, the District Commander decides whether to initiate civil penalty proceedings or to close the case.

## APPENDIX

This appendix lists penalty provisions of statutes the Coast Guard is authorized to enforce. It includes penalty provisions of laws that the Coast Guard enforces and administers under this part. It also includes penalty provisions of laws that another agency administers, but the Coast Guard enforces when violations occur on the high seas and waters over which the United States has jurisdiction. Although this list is intended to be complete, the omission of any statute from the list has no effect upon the authority of the Coast Guard to enforce a statute not listed. It also states the penalty procedure for violation of each provision ("civil" or "criminal") used by the Coast Guard.

### TITLE 8—ALIENS AND NATIONALITY

#### CHAPTER 8—THE COOLY TRADE

8 U.S.C. 334—Punishment for engaging in cooly trade (criminal)

8 U.S.C. 338—Involuntary transportation of Chinese, Japanese, etc. for purpose of holding to service; penalty (criminal)

### TITLE 14—COAST GUARD

#### CHAPTER 5—FUNCTIONS AND POWERS

14 U.S.C. 83—Unauthorized aids to maritime navigation; penalty (criminal)

14 U.S.C. 84—Interference with aids to navigation; penalty (criminal)

14 U.S.C. 85—Failure to maintain lights; penalty (criminal)

#### CHAPTER 17—ADMINISTRATION

14 U.S.C. 638 Coast Guard ensigns and pennants (criminal)

14 U.S.C. 639—Penalty for unauthorized use of words "Coast Guard" (criminal)

#### CHAPTER 25—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

14 U.S.C. 892—Unauthorized use of Coast Guard Auxiliary flags, pennants, uniforms, insignia (criminal)

### TITLE 15—COMMERCE AND TRADE

#### CHAPTER 24—TRANSPORTATION OF GAMBLING DEVICES

15 U.S.C. 1176—Penalties (criminal)

### TITLE 16—CONSERVATION

#### CHAPTER 5A—PROTECTION AND CONSERVATION OF WILDLIFE GAME, FUR-BEARING ANIMALS AND FISH

16 U.S.C. 668cc-4—Importation of endangered species; penalties for violations; civil penalties for nonwillful violations (civil and criminal)

#### CHAPTER 10—NORTHERN PACIFIC HALIBUT FISHING

16 U.S.C. 772e—Penalties and forfeitures (criminal)

16 U.S.C. 772f—Penalties relative to records and reports (civil)

#### CHAPTER 10A—SOCKEYE OR PINK SALMON FISHING

16 U.S.C. 776c—Penalties and forfeitures (criminal)

#### CHAPTER 11—REGULATION OF LANDING, CURING AND SALE OF SPONGES TAKEN FROM GULF OF MEXICO AND STRAITS OF FLORIDA

16 U.S.C. 783—Punishment for violations of law; liability of vessels (criminal)

#### CHAPTER 13—REGULATIONS OF TRANSPORTATION IN INTERSTATE COMMERCE OF BLACK BASS AND OTHER FISH

16 U.S.C. 853—Penalty (criminal)

#### CHAPTER 14—REGULATION OF WHALING

16 U.S.C. 916f—Violations; fines and penalties (criminal)

#### CHAPTER 16—TUNA CONVENTIONS

16 U.S.C. 957—Violations; fines and forfeitures (criminal)

#### CHAPTER 17—NORTHWEST ATLANTIC FISHERIES

16 U.S.C. 989—Penalties (criminal)

#### CHAPTER 19—NORTH PACIFIC FISHERIES

16 U.S.C. 1030—Penalties (criminal)

#### CHAPTER 21—PROHIBITION OF FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

16 U.S.C. 1082—Violations and penalties (criminal)

### CHAPTER 21B—PROHIBITION OF CERTAIN FOREIGN VESSELS IN UNITED STATES FISHERIES

16 U.S.C. 1100a—Violations and penalties, separate violations (civil)

### CHAPTER 24—CONSERVATION AND PROTECTION OF FUR SEALS, OTHER WILDLIFE, AND SEA OTTERS

#### SUBCHAPTER III—PROTECTION OF SEA OTTERS ON THE HIGH SEAS

16 U.S.C. 1184—Penalties for violations (criminal)

### CHAPTER 31—MARINE MAMMAL PROTECTION

16 U.S.C. 1375—Penalties (civil and criminal)

16 U.S.C. 1376—Seizure and forfeiture of cargo; penalties (civil)

## TITLE 18—CRIMES AND CRIMINAL PROCEDURE

### CHAPTER 3—ANIMALS, BIRDS AND FISH

18 U.S.C. 43—Transportation of wildlife taken in violation of State, National, or foreign laws (criminal)

### CHAPTER 7—ASSAULT

18 U.S.C. 111—Assaulting, resisting, or impeding certain officers or employees (criminal)

18 U.S.C. 113—Assault within maritime and territorial jurisdiction (criminal)

18 U.S.C. 114—Maiming within maritime and territorial jurisdiction (criminal)

### CHAPTER 11—BRIBERY, GRAFT AND CONFLICTS OF INTEREST

18 U.S.C. 201—Bribery of public officials and witnesses (criminal)

18 U.S.C. 203—Compensation to members of Congress, officers, and others in matters affecting the Government (criminal)

18 U.S.C. 205—Activities of officers and employees in claims against and other matters affecting the Government (criminal)

18 U.S.C. 219—Officers and employees acting as agents of foreign principals (criminal)

### CHAPTER 13—CIVIL RIGHTS

18 U.S.C. 241—Conspiracy against rights of citizens (criminal)

18 U.S.C. 242—Deprivation of rights under color of law (criminal)

18 U.S.C. 244—Discrimination against person wearing uniform of armed forces (criminal)

18 U.S.C. 286—Conspiracy to defraud the Government with respect to claims (criminal)

18 U.S.C. 287—False, fictitious, or fraudulent claims (criminal)

### CHAPTER 19—CONSPIRACY

18 U.S.C. 371—Conspiracy to commit offense or to defraud United States (criminal)

18 U.S.C. 372—Conspiracy to impede or injure officer (criminal)

### CHAPTER 25—COUNTERFEITING AND FORGERY

18 U.S.C. 496—Customs matters (criminal)

18 U.S.C. 498—Military or naval discharge certificates (criminal)

18 U.S.C. 499—Military, naval or official passes (criminal)

### CHAPTER 27—CUSTOMS

18 U.S.C. 545—Smuggling goods into the United States (criminal)

18 U.S.C. 546—Smuggling goods into foreign countries (criminal)

### CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

18 U.S.C. 592—Troops at polls (criminal)

18 U.S.C. 593—Interference at polls (criminal)

18 U.S.C. 594—Intimidation of voters (criminal)

18 U.S.C. 596—Polling armed forces (criminal)

18 U.S.C. 602—Solicitation of political contributions (criminal)

18 U.S.C. 603—Place of solicitation (criminal)

18 U.S.C. 607—Making political contributions (criminal)

### CHAPTER 31—EMBEZZLEMENT AND THEFT

18 U.S.C. 641—Public money, property, or records (criminal)

18 U.S.C. 642—Tools and materials for counterfeiting purposes (criminal)

18 U.S.C. 643—Accounting generally for public money (criminal)

18 U.S.C. 651—Disbursing officer falsely certifying full payment (criminal)

18 U.S.C. 652—Disbursing officer paying lesser in lieu of lawful amounts (criminal)

18 U.S.C. 653—Disbursing officer misusing public funds (criminal)

18 U.S.C. 654—Officer or employee of United States converting property of another (criminal)

18 U.S.C. 659—Interstate or foreign baggage, express or freight; State prosecutions (criminal)

18 U.S.C. 661—Within special maritime and territorial jurisdiction (criminal)

18 U.S.C. 662—Receiving stolen property within special maritime and territorial jurisdiction (criminal)

### CHAPTER 33—EMBLEMS, INSIGNIA AND NAMES

18 U.S.C. 701—Official badges, identification cards, other insignia (criminal)

18 U.S.C. 702—Uniform of armed forces and Public Health Service (criminal)
18 U.S.C. 704—Military medals or decorations (criminal)
18 U.S.C. 705—Badge or medal of veteran's organizations (criminal)

### CHAPTER 35—ESCAPE AND RESCUE

18 U.S.C. 751—Prisoners in custody of institution or officer (criminal)
18 U.S.C. 752—Instigating or assisting escape (criminal)
18 U.S.C. 755—Officer permitting escape (criminal)
18 U.S.C. 756—Internee of belligerent nation (criminal)
18 U.S.C. 757—Prisoners of war or enemy aliens (criminal)

### CHAPTER 37—ESPIONAGE AND CENSORSHIP

18 U.S.C. 793—Gathering, transmitting or losing defense information to aid foreign government (criminal)
18 U.S.C. 794—Gathering or delivering defense information to aid foreign government (criminal)
18 U.S.C. 795—Photographing and sketching defense installations (criminal)
18 U.S.C. 796—Use of aircraft for photographing defense installations (criminal)
18 U.S.C. 797—Publication and sale of photographs of defense installations (criminal)
18 U.S.C. 798—Disclosure of classified information (criminal)

### CHAPTER 40—INFORMATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

18 U.S.C. 844—Penalties (criminal)

### CHAPTER 41—EXTORTION AND THREATS

18 U.S.C. 872—Extortion by officers or employees of the United States (criminal)
18 U.S.C. 873—Blackmail (criminal)

### CHAPTER 43—FALSE PERSONATION

18 U.S.C. 911—Citizen of the United States (criminal)
18 U.S.C. 912—Officer or employee of the United States (criminal)
18 U.S.C. 913—Impersonator making arrest or search (criminal)

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46 U.S.C. **668**—Weights and measures (civil)

46 U.S.C. **669**—Clothing and heat (civil)

46 U.S.C. **670**—Slop chests (civil)

46 U.S.C. **672**—Requirements, qualifications, and regulations as to crews—officers and pilots (civil and criminal)

46 U.S.C. **672a**—Nationality of crews—officers and pilots (civil)

46 U.S.C. **673**—Requirements as to watches; duties of seamen; hours of work; penalty (civil)

46 U.S.C. **676**—Rules as to list of crew (criminal)

46 U.S.C. **677**—Production of copy of list on return of vessel; production of persons named (civil)

46 U.S.C. **684**—Wages or discharge in case of sale (criminal)

46 U.S.C. **701**—Merchant seamen; various offenses; penalties (criminal)

46 U.S.C. **710**—Carrying sheath knives (civil)

### CHAPTER 19—WRECKS AND SALVAGE

46 U.S.C. **728**—Duty of master to assist persons in danger (criminal)

46 U.S.C. **738b**—Operator of vessel to give notice of routes; avoidance of ice regions; penalty (civil)

46 U.S.C. **738c**—Speed of vessel in ice region; penalty (civil)

### CHAPTER 24—MERCHANT MARINE ACT, 1920

46 U.S.C. **882**—Number of passengers cargo vessels may carry (civil)

46 U.S.C. **883-1**—Corporation as citizen; fisheries and transportation of merchandise or passengers between points in United States (civil)

46 U.S.C. **883a**—Reports required of United States vessels rebuilt abroad; penalty for failure to report (civil)

CHAPTER 25—SHIP MORTGAGES

46 U.S.C. 941—Failure of master to exhibit documents; unlawful acts by mortgagor; liability of collector of customs (criminal)

CHAPTER 27—MERCHANT MARINE ACT, 1936

46 U.S.C. 1132—Citizenship of officers and crew vessels documented under laws of United States (criminal)

CHAPTER 29—NAUTICAL INSTRUCTION

46 U.S.C. 1333—Inspection of vessels (criminal)

CHAPTER 33—FEDERAL BOAT SAFETY ACT OF 1971

46 U.S.C. 1483—Criminal penalties (criminal)
46 U.S.C. 1484—Civil penalties (civil)

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

CHAPTER 2—SUBMARINE CABLES

47 U.S.C. 21—Willful injury to; punishment (criminal)
47 U.S.C. 22—Negligent injury to; punishment (criminal)
47 U.S.C. 24—Vessels laying cables; signals; avoidance of buoys (criminal)
47 U.S.C. 25—Fishing vessels; duty to keep nets from cables (criminal)
47 U.S.C. 27—Offending vessels to show nationality (criminal)
47 U.S.C. 37—Licenses for landing or operating cable connecting United States with foreign country; violations; punishment (criminal)

TITLE 50—WAR AND NATIONAL DEFENSE

CHAPTER 12—VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

50 U.S.C. 192—Seizure and forfeiture; fine and imprisonment (criminal)

[CGD 74-46, 39 FR 19472, June 3, 1974]

## Subpart 1.08—Written Warnings by Coast Guard Boarding Officers

AUTHORITY: 5 U.S.C. 552; 14 U.S.C. 633; 85 Stat. 213 (46 U.S.C. 1451); 49 CFR 1.4(b), 1.46(n)(1), unless otherwise noted.

SOURCE: CGD 74-155, 41 FR 17894, Apr. 29, 1976, unless otherwise noted.

### § 1.08-1 Applicability.

(a) The regulations in this subpart apply to certain violations of the following boating safety statutes and regulations for which Coast Guard boarding officers are authorized to issue written warnings instead of recommending civil or criminal penalty procedures under Subpart 1.07 of this part:

(1) 46 CFR 25.05 whistles or other sound producing devices;

(2) 33 CFR Part 175 and 46 CFR 25.25 personal flotation devices;

(3) 46 CFR 25.35 backfire flame control;

(4) 46 CFR 25.40 ventilation;

(5) 33 CFR 173 numbering;

(6) 46 U.S.C. § 103, documented yachts;

(7) 33 CFR Part 155 oil pollution prevention; and

(8) 46 CFR 25.30 fire extinguishers.

(9) 33 CFR 159 marine sanitation devices.

(b) The Commandant authorizes designated boarding officers to issue warnings for certain minor violations of the statutes and regulations listed in paragraph (a) of this section. Written warnings are not authorized for all violations of these statutes and regulations.

(14 U.S.C. 633, 85 Stat. 228 (46 U.S.C. 1488); 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46(b), (m), and (n)(1))

[CGD 74-155, 41 FR 17894, Apr. 29, 1976, as amended by CGD 77-182, 43 FR 22657, May 25, 1978]

### § 1.08-5 Procedures.

(a) A written warning may be issued where the boarding officer determines that—

(1) The observed violation is a first offense; and

(2) The operator states that the violation will be promptly corrected.

(b) A written warning may not be issued where—

(1) The operator is required to be licensed;

(2) The violation is a failure to have required safety equipment on board; or

(3) The boarding officer notes three or more violations during one boarding.

(c) Each district office maintains a record of each written warning issued within that district for a period of not more than one year after date of issue except in cases involving violations of 33 CFR 159 marine sanitation devices, records of which are maintained by each district office for not more than three years after date of issue.

(d) The district commander of the district in which the warning is issued may rescind a written warning and institute civil penalty action under § 1.07-9 of this Part if a record check discloses a prior written warning or violation issued within one year or in the case of a violation of 33 CFR 159 a prior written warning or violation issued within three years.

(e) Within 15 days after the date of issue, any person issued a written warning by a Coast Guard boarding officer may appeal the issuance of the warning to the district commander by providing in writing or in person any information that denies, explains, or mitigates the violations noted in the warning.

(f) Each written warning shall indicate that—

(1) The warning is kept on file for a period of not more than one year after date of issue or in the case of a violation of 33 CFR 159 a period of not more than three years for reference in determining appropriate penalty action if there is a subsequent violation;

(2) If a record check reveals a prior written warning or violation within the time period designated in § 1.08-5(d) of this Part, the warning may be revoked and civil penalty action instituted;

(3) If an additional violation occurs within the time period designated in § 1.08-5(d) the warning may be used as a basis for the assessment of a higher penalty for the subsequent violation; and

(4) Within 15 days after the date of issue, the person who is issued the warning may appeal to the District Commander by providing in writing or in person any information or material that denies, explains, or mitigates the violations noted in the warning.

(14 U.S.C. 633; 85 Stat. 228 (46 U.S.C. 1488); 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46 (b), (m), and (n)(1))

[CGD 74-155, 41 FR 17894, Apr. 29, 1976, as amended by CGD 77-182, 43 FR 22657, May 25, 1978]

## Subpart 1.10—Public Availability of Information

AUTHORITY: 5 U.S.C. 552, 14 U.S.C. 633, sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

SOURCE: CGD 73-54R, 38 FR 12396, May 11, 1973, unless otherwise noted.

### § 1.10-1 Official records and documents.

Identifiable records and documents of the Coast Guard are made available to the public in accordance with the Department of Transportation regulations contained in Part 7 of title 49, Code of Federal Regulations.

### § 1.10-5 Public availability of records and documents.

(a) Each person desiring to inspect a record or document covered by this subpart that is located in Headquarters, or to obtain a copy of such a record or document, must make a written request to the Commandant (GA), U.S. Coast Guard, 2100 Second Street SW., Washington, D.C. 20593.

(b) Each person desiring to inspect a record or document covered by this subpart that is located in a Coast Guard district, or to obtain a copy of such a record or document, must make a written request to the district commander in command of the district, or to the officer-in-charge of the appropriate marine inspection zone. Coast Guard districts and marine inspection zones are listed in Part 3 of this chapter.

(c) If the person making the request does not know where in the Coast Guard the record or document is located, he may send his request to the Commandant (GA) at the address in paragraph (a) of this section.

## Subpart 1.20—Testimony by Coast Guard Personnel and Production of Records in Legal Proceedings

### § 1.20-1 Testimony by Coast Guard personnel and production of records.

(a) The regulations in 49 CFR Part 9 apply to the testimony of Coast Guard personnel, production of Coast Guard records, and service of process in legal proceedings.

(b) Except for the acceptance of service of process or pleading, the District Legal Officer of each Coast Guard District, with respect to matters arising within his District, is delegated the functions of the "appropriate counsel of the operating administration concerned" described in 49 CFR Part 9.

(c) A request for a member or employee of the Coast Guard to testify or for permission to interview a member or employee of the Coast Guard District must be made to the District Legal Officer of the Coast Guard District in which the member or employee is serving or if the member or employee is serving at Coast Guard Headquarters, to the Chief Counsel, U.S. Coast Guard.

(d) Process or pleadings in any legal proceeding concerning the Coast Guard may be served, at the option of the server, on the Chief Counsel or the Deputy Chief Counsel of the Coast Guard with the same effect as if served on the Commandant of the Coast Guard. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

(80 Stat. 383, as amended, sec. 1, 33 Stat. 1022, as amended, sec. 9, 80 Stat. 944; 5 U.S.C. 552, 14 U.S.C. 632, 633, 46 U.S.C. 375, 416, 49 U.S.C. 1657 (a) and (e); 49 CFR 1.46, and Part 9)

[CGFR 71-30, 36 FR 8732, May 12, 1971]

## Subpart 1.25—Fees and Charges for Certain Records and for Duplicate Documents, Certificates, or Licenses

AUTHORITY: Sec. 3, 60 Stat. 238, as amended, secs. 632, 633, 63 Stat. 545, sec. 501, 65 Stat. 290; 5 U.S.C. 552, 14 U.S.C. 632, 633; Department of Transportation Order 1100.1, March 31, 1967; 49 CFR 1.4(a)(2); unless otherwise noted.

SOURCE: CGFR 67-13, 32 FR 11211, Aug. 2, 1967, unless otherwise noted.

### § 1.25-1 Purpose.

(a) The regulations in this subpart established fees and charges which shall be imposed by the Coast Guard for making copies or excerpts of information or records, and for issuing certain duplicate documents, certificates, or licenses.

(b) These fees and charges are imposed as required by Title V of the Independent Offices Appropriation Act of 1952 (Sec. 501, 65 Stat. 290, 31 U.S.C. 483a). This act states that it is the sense of Congress that fees and charges shall be charged for services rendered the public by Federal agencies in order that such services may be performed on a selfsustaining basis to the fullest extent possible.

### § 1.25-30 Exceptions.

(a) The general policies and instructions of the Bureau of the Budget specify when certain services as specifically described in this subpart will be furnished without charge.

(b) The fees and charges prescribed in this subpart are not applicable when requested by, or furnished to, the following persons, or under the following circumstances:

(1) A person who donated the original document.

(2) A person who has an official, voluntary or cooperative relationship to the Coast Guard in rendering services promoting safety of life and property.

(3) Any agency, corporation or branch of the Federal Government.

(4) A person found guilty by an administrative law judge receives one copy of the transcript of the hearing if he—

(i) Files a notice of appeal, under 46 CFR 5.30-1; and

(ii) Requests a copy of the transcript.

(5) A person who has been required to furnish personal documents retained by the Coast Guard.

(6) For other exceptions see 49 CFR 7.97.

(31 U.S.C. 483a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 67-13, 32 FR 11211, Aug. 2, 1967, as amended by CGD 76-124, 42 FR 23507, May 9, 1977]

### § 1.25-40 Fees for services for the public.

(a) The fees for services performed for the public, as prescribed in sections 552(a) (2) and (3) of title 5, United States Code, by the Department of Transportation are in Subpart I of Title 49, Code of Federal Regulations. The fee schedule for these services is contained in 49 CFR 7.95. The applicable fees are imposed and collected by the Coast Guard as prescribed in 49 CFR 7.93.

(b) The fees that are applicable for copies of Coast Guard records and additional to those described in 49 CFR 7.95 are contained in Table 1.25-40(b). The fee prescribed includes any necessary search charge.

TABLE 1.25-40(b) FEES FOR COAST GUARD RECORDS

| *Item* | *Fee* |
|---|---|
| (1) Certificate of Seaman's Service—(a) Compiled on Form CG 723 | |
| (i) First page | $10.00 |
| (ii) Each additional page | 5.00 |
| (b) Hard copy of all certificates of service contained in file | 10.00 |
| (2) Duplicate merchant mariner's document | 10.00 |
| (3) Duplicate continuous discharge book | 10.00 |
| (4) Duplicate certificate of registry as staff officer | 10.00 |
| (5) Certificate of service issued in accordance with sec. 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1190, as amended, 50 U.S.C. App., 581) | 2.50 —146 |

NOTE.—Hard copy of certificates of service will be provided unless form CG 723 is specifically reqested.

(c) Fees charged for services performed by the Coast Guard that are in addition to those prescribed in applicable sections in this chapter or 46 CFR Ch. 1 are listed in Table 1.25-40(c).

TABLE 1.25-40(c)—FEES FOR COAST GUARD SERVICES

| *Service* | *Fee (Each)* |
|---|---|
| (1) Landings of aircraft, Coast Guard Air Station, Elizabeth City, N.C. | |
| (a) 90 or less | $6.60 |
| (b) More than 90 but less than 180 | 4.40 |
| (c) 180 or more | 2.20 |
| (2) Computer programs | 5.00 |

| Program No. | Program | Dated |
|---|---|---|
| MMT01 | Cross Curves of Stability | Oct. 12, 1966 |
| MMT02 | Hydrostatic Curves of Form for Fair Hull Forms | Sept. 1, 1965 |
| MMT03 | Hydrostatic Curves of Form for Hard Chine Vessels | Sept. 1, 1966 |
| MMT04 | Floodable Lengths | Nov. 1, 1965 |
| MMT05 | Section Modulus | Sept. 1, 1965 |
| MMT07 | Barge Saddle Reactions in Grounded Conditions | Oct. 1, 1965 |
| MMT08 | Upright Displacement and Trochidal Wave Heights | July 6, 1966 |
| MMT09 | Ship Balance and Bending Moments | Do. |
| MMT10 | Ocean going Independent Tank Barge Saddle Reactions | Do. |
| MMT11 | Short Circuit Analysis | July 1, 1965 |
| MMT12 | Cylindrical Tank Volumetric Calculations | Mar. 1, 1965 |
| MMT13 | Gravity Davit Analysis I | June 8, 1965 |
| MMT14 | Gravity Davit Analysis II | Do. |
| MMT15 | Thermal Stress in Ships | Mar. 9, 1966 |

(Title V, 65 Stat. 268, 290, sec. 6(b)(1), 80 Stat. 937, 31 U.S.C. 483a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20166, Sept. 27, 1972; 37 FR 21481, Oct. 12, 1972, as amended by 40 FR 23743, June 2, 1975; CGD 77-065, 42 FR 31169, June 20, 1977]

### § 1.25-45 Special admeasurement services.

If an admeasurer is assigned to measure or certify the tonnage of a vessel at the request of the owner thereof at a place other than a port of entry, a custom station, or port where an officer-in-charge, marine inspection, is located, the owner shall pay the admeasurer's—

(a) Pay based on the hourly rate for the grade or level of position held or the daily military compensation rate, as appropriate;

(b) Travel expense based on the estimated cost of travel from and return to the nearest port of entry, customs station, or office of an officer-in-charge, marine inspection; and

(c) Daily subsistence expense from the time he leaves his official duty station until he returns thereto.

(Title V, 65 Stat. 268, 290, sec. 6(b)(1), 80 Stat. 937, 31 U.S.C. 483a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20166, Sept. 27, 1972]

### § 1.25-48 Oceanographic research.

(a) Each person allowed by the Coast Guard to join a Coast Guard voyage for the purpose of oceanographic research is charged the cost of each meal that he consumes while on board the Coast Guard vessel.

(b) The person, company, association, or government agency engaging a Coast Guard vessel for an oceanographic research study is charged the daily cost of operating the vessel.

(Title V, 65 Stat. 268, 290, sec. 6(b)(1), 80 Stat. 937, 31 U.S.C. 483a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20167, Sept. 27, 1972]

### § 1.25-50 Fees for preapproval tests.

The salary of each tester, based on the man-hours expended, and the cost of materials used shall be paid by the manufacturer for the preapproval tests at Coast Guard facilities of each—

(a) Hydraulic release of a buoyant load under hydrostatic pressure, as prescribed in 46 CFR 160.062-6(c);

(b) Pistol-projected parachute red flare distress signal, as prescribed in 46 CFR 160.024-7(c); and

(c) Inflatible liferaft, as prescribed in 46 CFR 160.051-9(b).

(Title V, 65 Stat. 268, 290, sec. 6(b)(1), 80 Stat. 937, 31 U.S.C. 483a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20167, Sept. 27, 1972]

### § 1.25-80 Payment of fees, charges or sales.

(a) The payment of fees and charges must be made by postal money order or check payable to the "Treasurer of the United States" or "U.S. Coast Guard," and sent to the office of the Coast Guard performing the service or furnishing or delivering the record, document, or certificate. If copy is to be transmitted by registered, air, or special delivery mail, postal fees therefor will be added to fees provided in this subpart (or the order must include postage stamps or stamped return envelopes).

(b) The fee is payable in advance.

## Subpart 1.26—Charges for Duplicate Medals, and Sales of Personal Property, Equipment or Services and Rentals

AUTHORITY: Secs. 632, 633, 63 Stat. 545, as amended; 14 U.S.C. 632, 633; Department of Transportation Order 1100.1, March 31, 1967; 49 CFR 1.4(a)(2); unless otherwise noted.

SOURCE: CGFR 67-13, 32 FR 11211, Aug. 2, 1967, unless otherwise noted.

### § 1.26-1 Purpose.

(a) The regulations in this subpart establish charges which shall be imposed by the Coast Guard when the Coast Guard sells supplies, equipment, apparatus, temporary shelter, and services under certain specified conditions as authorized by law.

(b) These sales are intended to permit repayment of costs involved in those instances which are ordinarily outside the scope of those distress services with which the Coast Guard is primarily concerned (14 U.S.C. 88), or the equipment and apparatus are not readily procurable in the open market.

### § 1.26-5 Replacement of medals.

(a) A medal, or a bar, emblem, or insignia in lieu thereof, that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded by the Coast Guard is replaced without charge by the Coast Guard as authorized in 14 U.S.C. 501.

(b) A medal, or a bar, emblem, or insignia in lieu thereof, that is lost, destroyed, or rendered unfit for use due to the fault or neglect of the person to whom it was awarded, is replaced after the Coast Guard is reimbursed for its cost, as contained in Table 1.26-5(b).

TABLE 1.26-5(b) COST OF A REPLACEMENT MEDAL

| *Item* | *Cost* |
|---|---|
| (1) Coast Guard Distinguished Service Medal | $33.00 |
| (i) Miniature | 23.50 |
| (ii) Hinged-lid case | 1.78 |
| (2) Legion of Merit (Degree of Legionnaire) with case | 12.50 |
| (3) Distinguished Flying Cross and case | 6.25 |
| (4) Coast Guard Medal (for heroism) | 17.00 |
| (i) Miniature | 12.50 |
| (ii) Hinged-lid case | 1.78 |
| (5) Meritorious Service Medal and case | 6.00 |
| (6) Air Medal and case | 5.75 |
| (7) Coast Guard Commendation Medal | 18.00 |
| (i) Miniature | 14.00 |
| (ii) Hinged-lid case | 1.78 |
| (8) Coast Guard Achievement Medal | 10.50 |
| (i) Minature | 6.50 |
| (ii) Hinged-lid case | 1.78 |
| (9) Gold Lifesaving Medal | 178.00 |
| (i) Miniature | 73.00 |
| (ii) Hinged-lid case with red lining | 11.00 |
| (10) Silver Lifesaving Medal | 73.00 |
| (i) Miniature | 58.00 |
| (ii) Hinged-lid case with blue lining | 11.00 |
| (11) Coast Guard Unit Commendation Ribbon | 2.50 |
| (12) Coast Guard Good Conduct Medal | 3.75 |
| (13) World War I Victory Medal | 2.50 |
| (14) American Area Campaign Medal | 2.50 |
| (15) European-African Middle Eastern Area Campaign Medal | 2.50 |
| (16) Asiatic-Pacific Area Campaign Medal | 2.50 |
| (17) American Defense Service Medal—Fleet, Sea, and Base Clasps | 2.50 |
| (18) World War II Victory Medal | 2.50 |
| (19) Navy Occupation Service Medal—Europe or Asia Clasps | 3.25 |
| (20) China Service Medal (1945–1957) | 2.50 |
| (21) National Defense Service Medal | 2.50 |
| (22) Korean Service Medal | 2.50 |
| (23) Antarctic Service Medal | 3.00 |
| (24) Armed Forces Expeditionary Medal | 2.50 |
| (25) Coast Guard Armed Forces Reserve Medal | 3.00 |
| (26) Coast Guard Expert Rifleman Medal | 5.00 |
| (27) Expert Pistol Shot Medal | 5.00 |
| (28) Coast Guard Distinguished Marksman Badge, Gold | 63.00 |
| (i) Ribbon attachment | 1.00 |

| *Item* | *Cost* |
|---|---|
| (29) Coast Guard Excellence-In-Competition Badge | |
| (i) Rifle or Pistol, Silver | $21.00 |
| (ii) Rifle or Pistol, Bronze | 17.00 |
| (iii) Ribbon Attachment, Silver or Bronze | 1.00 |
| (30) R. R. Waesche Rifle Team Trophy, Bronze Medallion | 10.00 |
| (31) F. C. Billard Pistol Team Trophy, Bronze Medallion | 10.00 |
| (32) United Nations Service Medal | 2.50 |
| (33) Vietnam Service Medal | 2.50 |

(Sec. 1, 63 Stat. 537, 545, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 501, 633, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-207R, 37 FR 25167, Nov. 28, 1972; 37 FR 26109, Dec. 8, 1972]

### § 1.26-10 Sales to Coast Guard Auxiliary.

(a) The provisions of Title 14, U.S. Code, section 891, authorizes the Coast Guard to furnish the Coast Guard Auxiliary such items as flags, pennants, uniforms, and insignia at actual cost.

(b) Sales of the following items (when available) are permitted to members of the Auxiliary:

(1) Auxiliary flags and pennants.

(2) Uniforms.

(3) Auxiliary insignia.

(Sec. 891, 63 Stat. 557; 14 U.S.C. 891)

### § 1.26-15 Sales of nonexcess personal property and services.

(a) *Authority.* The provisions of Title 14, U.S. Code, section 641(b), authorizes the Coast Guard to sell apparatus or equipment manufactured by or in use in the Coast Guard, which is not readily procurable in the open market. The provisions of Title 14, U.S. Code, section 654 (Pub. L. 86-159 approved Aug. 14, 1959), authorize the Coast Guard to sell supplies and furnish services to public and commercial vessels, and other watercraft. The provisions of Title 49, U.S. Code, section 1507 (Act of May 20, 1926, as amended), authorize the Coast Guard to sell to any aircraft, fuel, oil, equipment, and other supplies, and to furnish mechanical service, temporary shelter, and other assistance.

(b) *Charges established by District Commander.* The charges for supplies and services which may be normally expected to be furnished to persons, corporations, companies, vessels, and other watercraft, and non-Federal aircraft will vary between various geographical regions depending on local circumstances. The District Commander is hereby delegated authority to prescribe and he shall establish, in advance wherever practicable, the charges to be imposed and collected in various areas under his jurisdiction, which will be in accordance with the applicable general minimum terms and conditions in the laws and this section. In those cases where the charges have not been established in advance, the matter shall be priced on an individual basis, taking into consideration the facts and circumstances regarding the situation. The list(s) of charges established by the District Commander shall be available for reading and copying at the office of the issuing District Commander, which list(s) will be up-dated and reissued when necessary.

(c) *Sales to vessels and other watercraft.* (1) The charges imposed for services are intended to permit repayment of costs involved in those instances where supplies and services are furnished to meet the necessities of the circumstances, and such vessels or watercraft are not within the scope of those distress services performed by the Coast Guard.

(2) Charges for sales of supplies and/or furnishing of services are considered appropriate when the furnishing of food, fuel, general stores, or repairs to the vessel or its equipage are primarily for the convenience of the owner, master, or crew, and furnished at his or their request. It is not intended and the Coast Guard does not procure and stock equipment and supplies except as provided for in current instructions issued by competent authority.

(3) Supplies provided and services performed will be of a limited nature consistent with the situation and within the capabilities of the Coast Guard unit concerned; provided this will not be in competition with commercial enterprise when such facilities are available and deemed adequate. It is not intended to permit the operators of vessels or watercraft to take advantage of the Government by demanding free supplies or services. Determination as to whether charges will be made is dependent upon the circum-

stances involved in each instance. The responsibility to make this determination rests with the District Commander who may delegate it to his subordinates.

(4) The minimum charge for any supplies or services furnished to a vessel or other watercraft shall be $10. The prices for fuels and materials which may be sold will be at Coast Guard cost plus 20 percent or, if readily determinable, at the commercial price in the immediate operating area, whichever is higher. The charges for services furnished a vessel or watercraft will be an average cost equal to the full price, plus taxes, that a boat owner would pay a local commercial concern for such services.

(5) The sales of supplies and services will be documented and will set forth the name, type, and identifying number of the vessel or watercraft receiving supplies or services; name and address of vessel's owner; and conditions under which it was determined to make a sale to the vessel or watercraft. Wherever possible, payment shall be obtained at the time supplies and services are furnished.

(d) *Sales of equipment not readily procurable on the open market.* Charges imposed for sales of apparatus and equipment manufactured by or in use in the Coast Guard which, in the opinion of the Commandant (FS), is not readily procurable in the open market, are subject to the following conditions:

(1) The apparatus or equipment has not been reported as excess to the General Services Administration (if so reported, requests to purchase will be submitted by the Commandant (FS) to the General Services Administration); and,

(2) The apparatus or equipment is not classified for security reasons or is not dangerous to the public health and safety; and,

(3) The authorized buyers of this apparatus or equipment are foreign, State, or municipal governments or governmental units thereof; parties required to maintain private aids to navigation; contractors engaged on public works; and in other cases in which, in the judgment of the Commandant (FS), the public interest may be served; and,

(4) The approved sales will be at prices determined by the Commandant (FS), which will include an overhead charge not to exceed 25 percent of acquisition cost.

(e) *Sales to and storage of non-Federal aircraft.* (1) Activities having the necessary supplies and facilities are authorized to furnish fuel, oil, equipment, supplies, mechanical services, temporary storage, or other assistance to any aircraft operated by State, municipal, or private enterprise in emergency cases. Complete engines, airplane wings, or other major items of equipment shall not be furnished without prior authority from the Commandant.

(2) Aircraft damaged to the extent that major repairs are required may be given emergency storage at the request of the pilot, provided the necessary facilities are available. No such aircraft will be given a major or minor overhaul. Damaged aircraft may be stored in its original damaged condition. If aircraft requires extensive repairs, such as would include the replacing of major parts and such major parts cannot be made available or supplied within a reasonable length of time by the operator of such aircraft, then the aircraft must be removed from the Coast Guard reservation by the operator without delay.

(3) The Government will not assume any responsibility for any loss or damage incurred by such aircraft while on a Coast Guard reservation and the owner shall be required to remove the aircraft from the reservation at the earliest practicable date.

(4) Storage charges for such aircraft on a Coast Guard reservation shall be as follows:

(i) For the first 6 working days, no charge;

(ii) For each calendar day thereafter, $3 for a single motor plane and $5 for a dual or multiengine plane.

(5) In the absence of any information to the contrary regarding a particular item or material, the price at which the item is carried in stock, or on the Plant Property Record (book price) will be regarded as the fair market value.

(6) When materials or services or both materials and services are furnished an aircraft, a deposit equal to the estimated value of such services and materials as will be required shall be obtained in advance of the rendition of the services and issuance of the materials.

(7) The charges for mechanical services rendered (other than in connection with the arrival, refueling, and departure of airplanes) shall be an hourly charge for labor, with a minimum of 1 hour, which shall be the equivalent to the schedule of wage rates for civilian personnel for the district (i.e., machinists, helpers, etc.), regardless of whether the services are performed by enlisted or civilian personnel.

(Sec. 1107, 72 Stat. 798, as amended, sec. 641, 63 Stat. 547, as amended, sec. 1, 73 Stat. 357; 49 U.S.C. 1507, 14 U.S.C. 641(b), 654)

**§ 1.26-20 Sales to eligible foreign governments.**

(a) *Policy of United States.* The Congressional policy is set forth in Title 22, U.S. Code, section 2351. The Executive Order No. 10973 dated November 3, 1961 (26 FR 10469), describes the administration of foreign assistance and related functions.

(b) *Diplomatic transactions.* Sales of Coast Guard material under reimbursable aid will be by direction of the Commandant (FS) and as approved by the Office of the Chief of Naval Operations. Reimbursable aid transactions are diplomatic transactions and are negotiated primarily between the respective foreign military attaché or other representatives of their embassy in Washington, D.C., and the Office of the Chief of Naval Operations. Prices will be based on material cost only and estimates will not include packing, crating, and handling or transportation costs. Under reimbursable aid, transportation costs are borne by the purchasing country and shipments are usually accomplished on collect commercial bills of lading.

**§ 1.26-25 Payment of charges.**

(a) The payment of charges shall be by postal money order or check payable to "U.S. Coast Guard," and given or sent to the office of the Coast Guard performing the service or furnishing the supplies, equipment, etc.

# PART 2—JURISDICTION

### Subpart 2.01—Purpose

Sec.
2.01-1 Purpose.

### Subpart 2.05—Definitions of Jurisdictional Terms

2.05-1 High seas.
2.05-5 Territorial seas.
2.05-10 Territorial sea baseline.
2.05-15 Contiguous zone.
2.05-20 Internal waters and inland waters.
2.05-25 Navigable waters of the United States; Navigable Waters; Territorial Waters.
2.05-30 Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction.

### Subpart 2.10—Availability of Jurisdictional Decisions

2.10-1 Maintenance of decisions.
2.10-5 Availability of lists and charts.
2.10-10 Decisions subject to change or modification.

AUTHORITY: 14 U.S.C. 633, 80 Stat. 931 (49 U.S.C. 1655(b)); 49 CFR 1.4(b), 1.46(b).

SOURCE: CGD 75-098, 40 FR 49326, Oct. 22, 1975, unless otherwise noted.

## Subpart 2.01—Purpose

**§ 2.01-1 Purpose.**

The purpose of this part is to inform the public of the definitions which the Coast Guard uses to examine waters to determine whether the Coast Guard has jurisdiction on those waters under particular U.S. laws.

## Subpart 2.05—Definitions of Jurisdictional Terms

**§ 2.05-1 High seas.**

(a) Except as provided in paragraphs (b) and (c) of this section, "high seas" means all waters which are neither territorial seas nor internal waters of the United States or of any foreign country.[1]

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[1] It should be noted that under 14 U.S.C. 89 the Coast Guard is authorized to enforce

Footnotes continued on next page

(b) "High seas", as used in 18 U.S.C. 7(1), means the Great Lakes and waters seaward of the low water line along the coast, except waters within harbors or narrow coastal indentations enclosed by promontories.[1]

(c) "High seas", as used in section 2 of the Act of February 19, 1895, as amended, 33 U.S.C. 151, and all laws referring thereto, means the waters seaward of the lines described in Part 82 of this chapter.

### § 2.05-5 Territorial seas.

(a) With respect to the United States, "territorial seas" means the waters within the belt, 3 nautical miles wide, that is adjacent to its coast and seaward of the territorial sea baseline.

(b) With respect to any foreign country, "territorial seas" means the waters within the belt that is adjacent to its coast and whose breadth and baseline are recognized by the United States.

### § 2.05-10 Territorial sea baseline.

"Territorial Sea Baseline" means the delimitation of the shoreward extent of the territorial seas of the United States drawn in accordance with principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606. Charts depicting the territorial sea baseline are available for examination in accordance with § 1.10-5(b) of this chapter.

### § 2.05-15 Contiguous zone.

"Contiguous zone" means the belt of high seas, 9 nautical miles wide, that is adjacent to and seaward of the territorial seas of the United States and that was declared to exist in Department of State Public Notice 358 of June 1, 1972, 37 FR 11906.

### § 2.05-20 Internal waters and inland waters.

(a) "Internal waters" and, except as provided in paragraph (b) of this section, "inland waters" mean:

(1) With respect to the United States, the waters shoreward of the territorial sea baseline.

(2) With respect to any foreign country, the waters shoreward of the baseline of its territorial sea, as recognized by the United States.

(b) "Inland waters", as used in 33 U.S.C. Chapter 3, means the waters shoreward of the lines described in Part 82 of this chapter, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

### § 2.05-25 Navigable waters of the United States; Navigable Waters; Territorial Waters.[2]

(a) Except as provided in paragraph (b) of this section, "navigable waters of the United States," "navigable waters," and "territorial waters" mean, except where Congress has des-

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Footnotes continued from last page
the laws of the United States upon the "high seas" and waters over which the United States has jurisdiction. Certain of the criminal laws of the United States are based on its special maritime and territorial jurisdiction, one of whose components is the "high seas", as defined in paragraph (b). However, this definition of "high seas" does not apply to the use of "high seas" found in 14 U.S.C. 89, to which the definition in paragraph (a) applies. A clear distinction should be maintained between the Coast Guard's authority under 14 U.S.C. 89 and the jurisdictional base of the criminal laws which apply to the special maritime and territorial jurisdiction. For example, while assault (18 U.S.C. 113) committed seaward of the territorial sea could be committed on the "high seas" for both purposes, an assault committed within the territorial sea could be committed on the "high seas" to bring it within the special maritime and territorial jurisdiction and at the same time be committed on waters over which the United States has jurisdiction (not the "high seas") for purposes of the Coast Guard's authority to undertake enforcement action.

[2] In various laws administered and enforced by the Coast Guard, the terms "State" and "United States" are defined to include some or all of the territories and possessions of the United States. The definitions in §§ 2.05-25 and 2.05-30 should be considered as supplementary to these statutory definitions and not as interpretive of them.

ignated them not to be navigable waters of the United States:

(1) Territorial seas of the United States;

(2) Internal waters of the United States that are subject to tidal influence; and

(3) Internal waters of the United States not subject to tidal influence that:

(i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or

(ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, highways for substantial interstate or foreign commerce.

(b) "Navigable waters of the United States" and "navigable waters," as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:

(1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and

(2) Other waters over which the Federal Government may exercise Constitutional authority.

**§ 2.05-30 Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction.**[2]

"Waters subject to the jurisdiction of the United States" and "waters over which the United States has jurisdiction" mean:

(a) Navigable waters of the United States;

(b) Other waters that are located on lands, owned by the United States, with respect to which jurisdiction has been accepted in accordance with 33 U.S.C. 733 by the authorized federal officer having custody, control, or other authority over them;

(c) Other waters that are located on lands, owned by the United States, with respect to which the United States retains concurrent or exclusive jurisdiction from the date that the State in which the lands are located entered the union; and

(d) Waters within the territories and possessions of the United States and the Trust Territories of the Pacific Islands.[2]

## Subpart 2.10—Availability of Jurisdictional Decisions

**§ 2.10-1 Maintenance of decisions.**

Each Coast Guard district maintains:

(a) A list of waters within the district which the Coast Guard has decided to be navigable waters of the United States for the purposes of its jurisdiction, and

(b) Charts reflecting Coast Guard decisions as to the location of the territorial sea baseline for the purposes of Coast Guard jurisdiction, if the district includes portions of the territorial seas.

**§ 2.10-5 Availability of lists and charts.**

The lists and charts referred to in § 2.10-1 of this chapter are available to the public and may be inspected or obtained in accordance with § 1.10-5(b) of this chapter.

**§ 2.10-10 Decisions subject to change or modification.**

The decisions referred to in § 2.10-1 of this subpart are subject to change or modification. Inquiries concerning the status of specific waters, for the purposes of Coast Guard jurisdiction, should be directed to the District Commander of the district in which the waters are located.

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See footnote 2 to § 2.05-25.

# PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

### Subpart 3.01—General Provisions

Sec.

3.01-1 General description.
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### Subpart 3.05—First Coast Guard District

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### Subpart 3.10—Second Coast Guard District

3.10-1 Second district.
3.10-10 St. Louis Marine Inspection Zone and Captain of the Port Zone.
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3.10-45 Nashville Marine Inspection Zone and Captain of the Port Zone.
3.10-50 Pittsburgh Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.15—Third Coast Guard District

3.15-1 Third district.
3.15-10 New York Marine Inspection Zone.
3.15-15 Albany Marine Inspection Zone and Captain of the Port Zone.
3.15-25 Philadelphia Marine Inspection Zone and Captain of the Port Zone.
3.15-55 New London Captain of the Port Zone.
3.15-57 New Haven Captain of the Port Zone.
3.15-60 New York Captain of the Port Zone.

### Subpart 3.25—Fifth Coast Guard District

Sec.

3.25-1 Fifth district.
3.25-10 Hampton Roads Marine Inspection Zone and Captain of the Port Zone.
3.25-15 Baltimore Marine Inspection Zone and Captain of the Port Zone.
3.25-20 Wilmington Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.35—Seventh Coast Guard District

3.35-1 Seventh district.
3.35-10 Miami Marine Inspection Zone and Captain of the Port Zone.
3.35-15 Charleston Marine Inspection Zone and Captain of the Port Zone.
3.35-20 Jacksonville Marine Inspection Zone and Captain of the Port Zone.
3.35-25 San Juan Marine Inspection Zone and Captain of the Port Zone.
3.35-30 Savannah Marine Inspection Zone and Captain of the Port Zone.
3.35-35 Tampa Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.40—Eighth Coast Guard District

3.40-1 Eighth district.
3.40-10 Mobile Marine Inspection Zone and Captain of the Port Zone.
3.40-15 New Orleans Marine Inspection Zone and Captain of the Port Zone.
3.40-20 Port Arthur Marine Inspection Zone and Captain of the Port Zone.
3.40-25 Houston Marine Inspection Zone and Captain of the Port Zone.
3.40-30 Galveston Marine Inspection Zone and Captain of the Port Zone.
3.40-35 Corpus Christi Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.45—Ninth Coast Guard District

3.45-1 Ninth district.
3.45-5 Cleveland Marine Inspection Zone and Captain of the Port Zone.
3.45-10 Buffalo Marine Inspection Zone and Captain of the Port Zone.
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3.45-30 Milwaukee Marine Inspection Zone and Captain of the Port Zone.
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3.45-45 St. Ignace Marine Inspection Zone and Saulte Ste. Marie Captain of the Port Zone.
3.45-50 Toledo Marine Inspection Zone and Captain of the Port Zone.
3.45-60 Chicago Captain of the Port Zone.
3.45-80 Muskegon Captain of the Port Zone.

### Subpart 3.55—Eleventh Coast Guard District

Sec.
3.55-1 Eleventh district.
3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone.
3.55-15 San Diego Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.60—Twelfth Coast Guard District

3.60-1 Twelfth district.
3.60-10 San Francisco Marine Inspection Zone.
3.60-50 Monterey Captain of the Port Zone.
3.60-55 San Francisco Captain of the Port Zone.
3.60-60 Humboldt Bay Captain of the Port Zone.

### Subpart 3.65—Thirteenth Coast Guard District

3.65-1 Thirteenth district.
3.65-10 Seattle Marine Inspection Zone and Captain of the Port Zone.
3.65-15 Portland, Oregon, Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.70—Fourteenth Coast Guard District

3.70-1 Fourteenth district.
3.70-10 Honolulu Marine Inspection Zone and Captain of the Port Zone.
3.70-15 Guam Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.85—Seventeenth Coast Guard District

3.85-1 Seventeenth district.
3.85-10 Southeast Alaska Marine Inspection Zone and Captain of the Port Zone.
3.85-15 Western Alaska Marine Inspection Zone and Captain of the Port Zone.
3.85-20 Prince William Sound Marine Inspection Zone and Captain of the Port Zone.

AUTHORITY: Sec. 3, 60 Stat. 238, and sec. 633 63 Stat. 545; 5 U.S.C. 552, 14 U.S.C. 633, unless otherwise noted.

## Subpart 3.01—General Provisions

AUTHORITY: 80 Stat. 383, as amended, sec. 6(b), 80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45 and 1.46, unless otherwise noted.

### § 3.01-1 General description.

(a) The structure of the Coast Guard's general organization for the performance of its assigned functions and duties consists of the Commandant, assisted by the Headquarters staff, two Area Offices to act as intermediate echelons of operational command, and District Offices to provide regional direction and coordination. The District Offices operate within defined geographical areas of the United States, its territories, and possessions, including portions of the high seas adjacent thereto. The description of the districts is established by the Commandant under the authority delegated by 49 CFR 1.45 and 1.46.

(b) The two Coast Guard Areas are the Atlantic Area (see § 3.04-1 of this part) and the Pacific Area (see § 3.04-3). The Coast Guard Area Commander is in command of a Coast Guard Area and his offices may be referred to as a Coast Guard Area Office. The office of the Commander, Atlantic Area is located in the Third Coast Guard District and the Commander of that District shall serve collaterally as Commander, Atlantic Area. The office of the Commander, Pacific Area is located in the Twelfth Coast Guard District and the Commander of that District shall serve collaterally as Commander, Pacific Area. Area Commanders have the responsibility of determining when operational matters require the coordination of forces and facilities of more than one district.

(c) The Coast Guard District Commander is in command of a Coast Guard District and his office may be referred to as a Coast Guard District Office. (See § 1.01-1 of this subchapter.)

(d) An Officer in Charge, Marine Inspection, is in command of a Marine Inspection Zone and his office may be referred to as a Coast Guard Marine Inspection Office. (See § 1.01-20 of this subchapter.)

(e) The Captain of the Port is in command of a Captain of the Port Area and his office may be referred to as a Captain of the Port Office. (See § 1.01-30 of this subchapter.)

(f) Various Coast Guard floating units and shore units are under the cognizance of the Coast Guard District in which they are located except certain Headquarters' units performing specialized functions.

(g) Each Captain of the Port Area and each Marine Inspection Zone described in this part also includes the United States territorial seas adjacent to the described Area or Zone for the purpose of enforcing or acting pursuant to a statute effective in the United States territorial seas. Each Captain of the Port Area and each Marine Inspection Zone described in this part also includes the Contiguous Zone adjacent to the Area or Zone for the purpose of enforcing or acting pursuant to a statute effective in the Contiguous Zone. (See §§ 2.05-5 and 2.05-15.)

(86 Stat. 427, 431 (33 U.S.C. 1224, 46 U.S.C. 391a); 49 CFR 1.46)

[CGFR 70-150, 36 FR 909, Jan. 20, 1971, as amended by CGD 73-102, 39 FR 2581, Jan. 23, 1974; CGD 77-091, 42 FR 48022, Sept. 22, 1977]

### § 3.01-5 Assignment of functions.

Sections 1.45 and 1.46 of Title 49, Code of Federal Regulations, authorize the Commandant of the Coast Guard to exercise certain functions, powers, and duties vested in the Secretary of Transportation by law. The general statements of policy in the rules describing Coast Guard organization are prescribed pursuant to 5 U.S.C. 552 (80 Stat. 383, as amended) and 14 U.S.C. 633 (63 Stat. 545).

[CGFR 70-150, 36 FR 910, Jan. 20, 1971]

## Subpart 3.04—Coast Guard Areas

AUTHORITY: 80 Stat. 383, as amended, sec. 6(b), 80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45 and 1.46.

### § 3.04-1 Atlantic Area.

(a) The Area Office is in New York, N.Y.

(b) The Atlantic Area shall comprise the land areas and U.S. navigable waters of the First, Second, Third, Fifth, Seventh, Eighth and Ninth Coast Guard Districts and the ocean areas lying east of a line extending from the North Pole south along 95° W. longitude to the North American land mass; thence along the east coast of the North, Central, and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend east to the Eastern Hemisphere dividing line between the Atlantic and Pacific Areas which lies along a line extending from the North Pole south along 100° E. longitude to the Asian land mass and along a line extending from the South Pole north along 17° E. longitude to the African land mass.

[CGFR 70-150, 36 FR 910, Jan. 20, 1971, as amended by CGD 77-242, 43 FR 8516, Mar. 2, 1978]

### § 3.04-3 Pacific Area.

(a) The Area Office is in San Francisco, Calif.

(b) The Pacific Area shall comprise the land areas and the U.S. navigable waters of the Eleventh, Twelfth, Thirteenth, Fourteenth and Seventeenth Coast Guard Districts and the ocean areas lying west of a line extending from the North Pole south along 95° W. longitude to the North American land mass; thence along the west coast of the North, Central and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend west to the Eastern Hemisphere dividing line between the Atlantic and Pacific Areas which lies along a line extending from the North Pole south along 100° E. longitude to the Asian land mass and along a line extending from the South Pole north along 17° E. longitude to the African land mass.

[CGFR 70-150, 36 FR 910, Jan. 20, 1971, as amended by CGD 77-242, 43 FR 8516, Mar. 2, 1978]

## Subpart 3.05—First Coast Guard District

### § 3.05-1 First district.

(a) The District Office is in Boston, Massachusetts.

(b) The First Coast Guard District shall comprise Maine and New Hampshire; Vermont, except the Counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland; Massachusetts, except the waters of Congamond Lakes; Rhode Island, with exception of Watch Hill Light Station; that portion of Connecticut containing the waters of Beach Pond in New

London County; all U.S. naval reservations on shore in Newfoundland; the ocean area encompassed by the Search and Rescue boundary between Canada and the United States to longitude 63° W.; thence due south to latitude 41° N.; thence along a line bearing 219° T. to the intersection with the ocean boundary between the First and Third Coast Guard Districts, which is defined as a line extending 112° T. from Montauk Point Light, thence along this line to Montauk Point Light.

[CGFR 61-40, 26 FR 10344, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 910, Jan. 20, 1971]

### § 3.05-10 Boston Marine Inspection Zone and Captain of the Port Zone.

(a) The Boston Marine Inspection Office and Captain of the Port Office are located in Boston, Massachusetts.

(b) The boundary of the Boston Marine Inspection Zone and Captain of the Port Zone starts at 42°55′ N. latitude, 70°47.7′ W. longitude; thence due west to the New York-Vermont boundary; thence south along the New York State line to the southern boundary of Massachusetts; thence east along the southern boundary of Massachusetts, except the waters of Congamond Lakes, to 42°04.1′ N. latitude, 71°06′ W. longitude; thence southeast to 41°40.6′ N. latitude, 70°43′ W. longitude, except the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32′ N. latitude, 70°42′ W. longitude; thence south to 41°31′ N. latitude, 70°41.6′ W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30′ N. latitude, 70°40′ W. longitude; thence southwest to 41°22′ N. latitude and 70°51′ W. longitude.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-169, 39 FR 32558, Sept. 9, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.05-15 Portland, Maine Marine Inspection Zone and Captain of the Port Zone.

(a) The Portland, Maine Marine Inspection Office and Captain of the Port Office are located in Portland, Maine.

(b) The boundary of the Portland, Maine Marine Inspection Zone and Captain of the Port Zone starts at 42°55′ N. latitude, 70°47.7′ W. longitude; thence due west to the western boundary of the Vermont State line; thence north along the westernmost Vermont County boundaries of Bennington, Windsor, Orange, Washington, Lamoille, Caledonia, and Essex to the United States-Canada border; thence continuing along the United States-Canada border to 44°48.8′ N. latitude, 66°57′ W. longitude.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-169, 39 FR 32558, Sept. 9, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.05-20 Providence Marine Inspection Zone and Captain of the Port Zone.

(a) The Providence Marine Inspection Office and Captain of the Port Office are located in Providence, Rhode Island.

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port Zone starts at 41°18.2′ N. latitude, 71°51.6′ W. longitude, and proceeds north along the Rhode Island State line, including the waters of Beach Pond, to the Massachusetts State line; thence east to 42°04.1′ N. latitude, 71°06′ W. longitude; thence southeast to 41°40.6′ N. latitude, 70°43′ W. longitude, including the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32′ N. latitude, 70°42′ W. longitude; thence south to 41°31′ N. latitude, 70°41.6′ W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30′ N. latitude, 70°40′ W.; thence southwest to 41°22′ N. latitude, and 70°51′ W. longitude.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-169, 39 FR 32558, Sept. 9, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.10—Second Coast Guard District

AUTHORITY: 5 U.S.C. 552, 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46, unless otherwise noted.

SOURCE: CGD 79-011, 44 FR 33400, June 11, 1979, unless otherwise noted.

### § 3.10-1 Second district.

(a) The District Office is in St. Louis, Mo.

(b) The Second Coast Guard District is comprised of Arkansas, West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, and Missouri; that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; those parts of Ohio and Indiana south of 41° N. latitude; Illinois, except that part north of 41° N. latitude and east of 90° W. longitude; that part of Wisconsin south of 46°20′ N. latitude and west of 90° W. longitude; that part of Minnesota south of 46°20′ N. latitude; that part of Alabama north of 34° N. latitude; that part of Mississippi north of the southern boundaries of the counties of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, Lee, Prentiss, and Tishomingo Counties, except that portion of the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam.

(80 Stat. 383 (5 U.S.C. 552); sec. 1, 63 Stat. 503 (14 U.S.C. 92); sec. 1, 63 Stat. 545 (14 U.S.C. 632 and 633); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)))

[CGFR 67-15, 32 FR 5269, Mar. 29, 1967, as amended by CGD 77-167, 43 FR 2372, Jan. 16, 1978]

### § 3.10-10 St. Louis Marine Inspection Zone and Captain of the Port Zone.

(a) The St. Louis Marine Inspection Office and the St. Louis Captain of the Port Office are located in St. Louis, Missouri.

(b) The St. Louis Marine Inspection Zone and the St. Louis Captain of the Port Zone are comprised of: Wyoming; Colorado; Kansas; Nebraska; in South Dakota: Gregory, Charles Mix, Douglas, Hutchinson, Bon Homme, Yankton, Turner, Clay, Lincoln, and Union Counties; in Arkansas: Boone, Imarion, Baxter, and Fulton Counties; all of Missouri except for Scotland, Clark, Cape Girardeau, Bollinger, Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Counties; that part of Iowa west of Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Guthrie, Adair, Union, and Ringgold Counties; and that part of Illinois north of Union and Johnson Counties, west of Saline, Hamilton, Wayne, Clay, Jasper, Cumberland, Coles, Douglas, Champaign, and Ford Counties, and south of 41° N. latitude, excluding Warren and Henderson Counties and that part of Hancock County north of 40°15′ N. latitude (but including all of Knox County).

### § 3.10-15 Paducah Marine Inspection Zone and Captain of the Port Zone.

(a) The Paducah Marine Inspection Office and the Paducah Captain of the Port Office are located in Paducah, Kentucky.

(b) The Paducah Marine Inspection Zone and the Paducah Captain of the Port Zone are comprised of: In Missouri: Cape Girardeau, Bollinger, Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Counties; in Illinois: Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties; in Kentucky: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Lyon, Trigg, Crittenden, Caldwell, and Christian Counties, and that part of Union County south of a line drawn from the point of intersection of Gallatin and Hardin Counties and the Ohio River to the point of intersection of Union, Webster, and Henderson Counties; and in Tennessee: Lake Obion, Weakley, Henry, Stewart, and Gibson Counties, and that part of Dyer County north of 36° N. latitude.

### § 3.10-20 Cincinnati Marine Inspection Zone and Captain of the Port Zone.

(a) The Cincinnati Marine Inspection Office and the Cincinnati Captain of the Port Office are located in Cincinnati, Ohio.

(b) The Cincinnati Marine Inspection Zone and the Cincinnati Captain of the Port Zone are comprised of: In Indiana: Ranklin, Ripley, Dearborn, Ohio, and Switzerland Counties; in

Kentucky: Montgomery, Bath, Rowan, Bourbon, Nicholas, Fleming, Harrison, Robertson, Mason, Grant, Pendleton, Bracken, Gallatin, Boone, Kenton, and Campbell Counties, that part of Lewis County south and west of a line drawn from the point of intersection of Scioto and Adams Counties and the Ohio River to the point of intersection of Carter, Greenup, and Lewis Counties, and that part of Carroll County east of a line drawn from the point of intersection of Jefferson and Switzerland Counties and the Ohio River to the point of intersection of Carroll, Owen, and Henry Counties; and that part of Ohio south of 41° N. latitude and west of Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Pike, and Scioto Counties.

### § 3.10-25 Minneapolis/St. Paul Marine Inspection Zone and Captain of the Port Zone.

(a) The Minneapolis/St. Paul Marine Inspection Office and the Minneapolis/St. Paul Captain of the Port Office are located in St. Paul, Minnesota.

(b) The Minneapolis/St. Paul Marine Inspection Zone and the Minneapolis/St. Paul Captain of the Port Zone are comprised of: North Dakota; all of South Dakota except for Gregory, Charles Mix, Douglas, Hutchinson, Bon Homme, Yankton, Turner, Clay, Lincoln, and Union Counties; that part of Minnesota south of 46°20′ N. latitude; that part of Wisconsin south of 46°20′ N. latitude and west of 90° W. longitude; that part of Iowa east of Dickinson, Clay, Buena Vista, Sac, Carroll, Audubon, Cass, Adams, and Taylor Counties; in Missouri: Scotland and Clark Counties; and that part of Illinois north of 40°15′ N. latitude and west of 90° W. longitude, excluding Knox, Fulton, McDonough, Schuyler, and Mason Counties.

### § 3.10-30 Huntington Marine Inspection Zone and Captain of the Port Zone.

(a) The Huntington Marine Inspection Office and the Huntington Captain of the Port Office are located in Huntington, West Virginia.

(b) The Huntington Marine Inspection Zone and the Huntington Captain of the Port Zone are comprised of: All of West Virginia except for Preston, Monongalia, Marion, Marshall, Ohio, Brooke, and Hancock Counties; in Ohio: Wayne, Holmes, Knox, Cushocton, Licking, Muskingum, Guernsey, Noble, Fairfield, Perry, Morgan, Pickaway, Ross, Hocking, Vinton, Athens, Washington, Pike, Jackson, Gallia, Meigs, Scioto, and Lawrence Counties, those parts of Ashland and Medina Counties south of 41° N. latitude, and that part of Monroe County south and west of a line drawn from the point of intersection of Marshall and Wetzel Counties and the Ohio River to the point of intersection of Belmont, Noble, and Monroe Counties; and in Kentucky: Letcher, Perry, Owsley, Breathitt, Knott, Pike, Floyd, Magoffin, Wolfe, Menifee, Morgan, Johnson, Martin, Lawrence, Elliott, Boyd, Carter, and Greenup Counties, and that part of Lewis County north and east of a line drawn from the point of intersection of Scioto and Adams Counties and the Ohio River to the point of intersection of Carter, Greenup, and Lewis Counties.

### § 3.10-35 Louisville Marine Inspection Zone and Captain of the Port Zone.

(a) The Louisville Marine Inspection Office and the Louisville Captain of the Port Office are located in Louisville, Kentucky.

(b) The Louisville Marine Inspection Zone and the Louisville Captain of the Port Zone are comprised of: that part of Indiana south of 41° N. latitude, except of Ranklin, Ripley, Dearborn, Ohio, and Switzerland Counties; that part of Illinois north of Pope and Hardin Counties, east of Williamson, Franklin, Jefferson, Marion, Fayette, Effingham, Shelby, Moultrie, Piatt, McLean, and Livingston Counties, and south of 41° N. latitude; and in Kentucky: Todd, Logan, Simpson, Allen, Warren, Barren, Metcalfe, Muhlenberg, Butler, Edmonson, Hart, Green, Taylor, Adair, Casey, Lincoln, Webster, Hopkins, McLean, Ohio, Grayson, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Larue, Nelson, Washington, Marion, Anderson, Mercer, Boyle, Woodford, Jessamine, Garrard, Fayette, Clark, Madison, Estill, Powell, Lee, Bullitt, Spencer, Jefferson, Shelby, Franklin, Scott,

Oldham, Henry, Owen, and Trimble Counties, that part of Carroll County west of a line drawn from the point of intersection of Jefferson and Switzerland Counties and the Ohio River to the point of intersection of Carroll, Owen, and Henry Counties, and that part of Union County north of a line drawn from the point of intersection of Gallatin and Hardin Counties and the Ohio River to the point of intersection of Union, Webster, and Henderson Counties.

### § 3.10-40 Memphis Marine Inspection Zone and Captain of the Port Zone.

(a) The Memphis Marine Inspection Office and the Memphis Captain of the Port Office are located in Memphis, Tennessee.

(b) The Memphis Marine Inspection Zone and the Memphis Captain of the Port Zone are comprised of: Oklahoma; all of Arkansas except for Boone, Marion, Baxter, and Fulton Counties; in Tennessee: Shelby, Fayette, Hardeman, Tipton, Haywood, Lauderdale, and Crockett Counties, and that part of Dyer County south of 36° N. latitude; and in Mississippi: DeSoto, Marshall, Benton, Tippah, Tunica, Tate, Coahoma, Quitman, Panola, Lafayette, Union, Pontotoc, Lee, Bolivar, Washington, Sunflower, Tallahatchie, Leflore, Yalobusha, Grenada, Calhoun, and Chickasaw Counties.

### § 3.10-45 Nashville Marine Inspection Zone and Captain of the Port Zone.

(a) The Nashville Marine Inspection Office and the Nashville Captain of the Port Office are located in Nashville, Tennessee.

(b) The Nashville Marine Inspection Zone and the Nashville Captain of the Port Zone are comprised of: That part of Alabama north of 34° N. latitude; in Kentucky: Monroe, Cumberland, Clinton, Russell, Wayne, McCleary, Pulaski, Whitley, Laurel, Rockcastle, Bell, Knox, Jackson, Clay, Leslie, and Harlan Counties; all of Tennessee except for Stewart, Henry, Weakley, Obion, Lake, Dyer, Gibson, Crockett, Lauderdale, Haywood, Tipton, Hardeman, Fayette, and Shelby Counties; and in Mississippi: Alcorn, Prentiss, and Tishomingo Counties except for that portion of the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam.

### § 3.10-50 Pittsburgh Marine Inspection Zone and Captain of the Port Zone.

(a) The Pittsburgh Marine Inspection Office and the Pittsburgh Captain of the Port Office are located in Pittsburgh, Pennsylvania.

(b) The Pittsburgh Marine Inspection Zone and the Pittsburgh Captain of the Port Zone are comprised of: that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; in West Virginia: Preston, Monongalia, Marion, Marshall, Ohio, Brooke, and Hancock Counties; and in Ohio: Stark, Columbiana, Tuscarawas, Carroll, Harrison, Jefferson, and Belmont Counties, those parts of Summit, Portage, and Mahoning Counties south of 41° N. latitude, and that part of Monroe County north and east of a line drawn from the point of intersection of Marshall and Wetzel Counties and the Ohio River to the point of intersection of Belmont, Nobile, and Monroe Counties.

## Subpart 3.15—Third Coast Guard District

### § 3.15-1 Third district.

(a) The District Office is in New York, N.Y.

(b) The Third Coast Guard District is comprised of the counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°39′ W.; New Jersey; that part of Pennsylvania north of latitude 41° N. and east of longitude 78°55′ W. and south of latitude 41° N. and east of longitude 79° W.; Delaware, including Fenwick Island Light, but not including that part of Delaware that contains the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 112° T. from

Montauk Point Light to the southernmost point of the First Coast Guard District (39°00′ N.; 65°05′ W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Third and Fifth Coast Guard Districts, which is defined as a line extending 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary; thence along this line to the coast.

[CGFR 61-40, 26 FR 10347, Nov. 3, 1961, as amended by CGFR 71-85, 36 FR 16577, Aug. 24, 1971]

### § 3.15-10 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is in New York, N.Y., with a sub-office in New London, Conn.

(b) The New York Marine Inspection Zone starts at the New Jersey shoreline at 39°57.0′ N. latitude; thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River to 41°28.0′ N. latitude near Barryville, New York; thence east to the New York-Connecticut boundary; thence north along the New York-Connecticut boundary to the junction of the New York, Connecticut, and Massachusetts boundaries; thence east along the Connecticut-Massachusetts boundary, including the waters of the Congamond Lakes to the Connecticut-Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6′ N. latitude, 71°50.0′ W. longitude, at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence southwesterly to the eastern end of Plum Island at 41°11.3′ N. latitude, 72°09.7′ W. longitude; thence southeasterly to False Point at 41°04.6′ N. latitude, 71°52.1′ W. longitude; thence easterly along the shoreline to Montauk Point Light, and including all islands and other land masses in Block Island Sound west of 71°51.6′ W. longitude.

[CGFR 65-63, 30 FR 15804, Dec. 22, 1965, as amended by CGD 75-093, 40 FR 45167, Oct. 1, 1975]

### § 3.15-15 Albany Marine Inspection Zone and Captain of the Port Zone.

(a) The Albany Marine Inspection Office and the Albany Captain of the Port Office are located in Albany, New York.

(b) The Albany Marine Inspection Zone and the Albany Captain of the Port Zone start at the junction of the Massachusetts, Connecticut, and New York boundaries; thence in a southerly direction along the New York-Connecticut boundary to 41°28.0′ N. latitude; thence due west to the east bank of the Delaware River near Barryville, New York; thence in a northwesterly direction along the east bank of the Delaware River to 42°00.0′ N. latitude; thence due east to 74°39.0′ W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence south along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 75-093, 40 FR 45168, Oct. 1, 1975, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.15-25 Philadelphia Marine Inspection Zone and Captain of the Port Zone.

(a) The Philadelphia Marine Inspection Office and the Philadelphia Captain of the Port Office are located in Philadelphia, Pennsylvania.

(b) The Philadelphia Marine Inspection Zone and the Philadelphia Captain of the Port Zone start at the New Jersey shoreline at 39°57.0′ N. latitude; thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence north following the course of and including the waters of the Delaware River until it meets the New York boundary; thence west along the the New York-Pennsylvania boundary to 78°55.0' W. longitude; thence south to 41°00.0' N. latitude; thence west to 79°00.0' W. longitude; thence south to the Pennsylvania-Maryland boundary; thence east to the junction of the Maryland-Delaware boundary; thence south and then east along the Maryland-Delaware boundary to the sea including Fenwick Island Light, but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal.

(5 U.S.C. 552; 14 U.S.C. 633; Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)); 35 FR 4958-59, 49 CFR 1.45, 1.46)

[CGD 75-093, 40 FR 45168, Oct. 1, 1975, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.15-55 New London Captain of the Port Zone.

(a) The New London Captain of the Port Office is located in New London, Conn.

(b) The New London Captain of the Port Zone starts at Watch Hill Light, Rhode Island; thence southwesterly to the eastern end of Plum Island at 41°11.3' N. latitude, 72°09.7' W. longitude; thence along the southern shoreline of Plum Island to 41°09.9' N. latitude, 72°12.1' W. longitude; thence west to Orient Point Light; thence southwesterly along the northern shoreline of Long Island-New York to 72°38.0' W. longitude; thence due north to the Connecticut shoreline; thence westward along the Connecticut shoreline to 72°40.0' W. longitude; thence due north to the Connecticut-Massachusetts boundary; thence eastward along this boundary to the Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6' N. latitude, 71°50.0' W. longitude at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; and including all islands and other land masses in Block Island Sound west of 71°51.6' W. longitude and north of 41°09.8' N. latitude.

(63 Stat. 545, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

[CGD 72-234R, 38 FR 860, Jan. 5, 1973, as amended by CGD 75-093, 40 FR 45168, Oct. 1, 1975; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.15-57 New Haven Captain of the Port Zone.

(a) The New Haven Captain of the Port is located in New Haven, Conn.

(b) The New Haven Captain of the Port Zone starts at the Connecticut-Massachusetts boundary at 72°40.0' W. longitude; thence south to the Connecticut shoreline; thence east along the shoreline to 72°38.0' W. longitude; thence due south to the Long Island-New York shoreline; thence west along the Long Island shoreline to 73°00.0' W. longitude; thence due south to 40°49.5' N. latitude; thence southwesterly to 40°41.5' N. latitude, 73°38.2' W. longitude; thence north to the north shore of Long Island at Dosoris Island at 40°53.7' N. latitude, 7°38.2' W. longitude; thence north-northwesterly to the southern shore of Manursing Island at 40°58.0' N. latitude, 73°40.0' W. longitude; thence north to the Connecticut-New York boundary at 41°01.5 N. latitude, 73°40.0' W. longitude; thence north to the Connecticut-New York boundary at 41°01.5' N. latitude, 73°40.0' W. longitude; thence northerly along the western boundary of Connecticut to the Massachusetts boundary; thence eastward along this boundary, including the waters of the Congamond Lakes, to 72°40.0' W. longitude.

(63 Stat. 545, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

[CGD 72-234R, 38 FR 860, Jan. 5, 1973, as amended by CGD 75-093, 40 FR 45168, Oct. 1, 1975; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.15-60 New York Captain of the Port Zone.

(a) The New York Captain of the Port is located in New York, N.Y.

(b) The New York Captain of the Port Zone starts at the New Jersey shoreline at 39°57.0' N. latitude;

thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River to 41°28.0′ N. latitude near Barryville, New York; thence due east to the New York-Connecticut boundary thence south along the New York-Connecticut boundary to 41°01.5′ N. latitude, 73°40.0′ W. longitude; thence due south to 40°58.0′ N. latitude, 73°40.0′ W. longitude at the southern shore of Manursing Island, thence south-southeasterly to the north shore of Long Island at Dosoris Island at 40°53.7′ N. latitude, 73°38.2′ W. longitude; thence due south to 40°41.5′ N. latitude, 73°38.2′ W. longitude; thence east, north-easterly to 40°49.5′ N. latitude, 73°00.0′ W. longitude; thence due north to the Long Island shoreline; thence east along the Long Island shoreline to Orient Point Light; thence easterly to the shoreline of Plum Island at 41°10.0′ N. latitude, 72°12.1′ W. longitude; thence along the southern shoreline of Plum Island to 41°11.3′ N. latitude, 72°09.7′ W. longitude; thence southeasterly to False Point at 41°04.6′ N. latitude. 71°52.1′ W. longitude, thence easterly along the shoreline to Montauk Point Light; and including all islands and other land masses in Block Island Sound west of 71°51.6′ W. longitude and south of 41°09.8′ latitude.

(63 Stat. 545, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

[CGD 72-234R, 38 FR 860, Jan. 5, 1973, as amended by CGD 75-093, 40 FR 45168, Oct. 1, 1975; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.25—Fifth Coast Guard District

### § 3.25-1 Fifth district.

(a) The District Office is in Portsmouth, Va.

(b) The Fifth Coast Guard District shall comprise Maryland, Virginia, District of Columbia, North Carolina, and that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary to the southernmost point in the Third Coast Guard District (35°18′ N., 68°52′ W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Fifth and Seventh Coast Guard Districts which is defined as a line extending 122° T. from the coastal end of the Fifth and Seventh Coast Guard District land boundary; thence along this line to the coast.

[CGFR 61-40, 26 FR 10347, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 911, Jan. 20, 1971]

### § 3.25-10 Hampton Roads Marine Inspection Zone and Captain of the Port Zone.

(a) The Hampton Roads Marine Inspection Office and the Hampton Roads Captain of the Port Office are located in Norfolk, Virginia.

(b) The boundary of the Hampton Roads Marine Inspection Zone, and of the Hampton Roads Captain of the Port Zone, starts at the intersection of the Virginia-Maryland boundary and the coastline and follows the Virginia-Maryland boundary to a point 37°57.2′ N. latitude, 76°03′ W. longitude on Chesapeake Bay; thence to a point 37°56.5′ N. latitude, 76°10.5′ W. longitude; thence to a point 37°55′ N. latitude, 76°16.8′ W. longitude; thence to a point 37°55′ N. latitude, 76°28.2′ W. longitude; thence to a point 38°19.5′ N. latitude, 77°25.2′ W. longitude; thence to a point 39°06′ N. latitude, 78°30′ W. longitude on the Virginia-West Virginia boundary; thence southerly along the Virginia-West Virginia boundary to the Tennessee boundary; thence eastward along the Virginia-Tennessee boundary to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to Kerr (Buggs Island) Lake; thence along the shoreline of Kerr Lake in North Carolina back to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to the west bank of the Chowan River; thence southerly along the west bank of the Chowan River to a point 36°00′ N. latitude, 76°41′ W. longitude; thence generally southerly and easterly along the border of

Washington, Beaufort, and Hyde Counties to a point 35°37′ N. latitude, 76°32′ W. longitude thence easterly to a point 35°37′ N. latitude, 76°00.5′ W. longitude; thence generally southwesterly to a point 35°01.5′ N. latitude, 76°20′ W. longitude; thence easterly to a point 35°01.5′ N. latitude, 76°10′ W. longitude; thence southeasterly to the sea at 34°59.8′ N. latitude, 76°07.8′ W. longitude.

(5 U.S.C. 552; 14 U.S.C. 633; Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)); 35 FR 4958-59, 49 CFR 1.45 and 1.46)

[CGD 73-31R, 39 FR 8613, Mar. 6, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.25-15 Baltimore Marine Inspection Zone and Captain of the Port Zone.

(a) The Baltimore Marine Inspection Office and the Baltimore Captain of the Port Office are located in Baltimore, Maryland.

(b) The boundary of the Baltimore Marine Inspection Zone, and of the Baltimore Captain of the Port Zone, starts at the intersection of the Delaware-Maryland boundary and the coastline and follows the Delaware-Maryland boundary west and north to the Pennsylvania boundary but includes the Chesapeake and Delaware Canal and the reaches of the Nanticoke River; thence due west along the Pennsylvania-Maryland boundary to the West Virginia boundary; thence south and eastward along the Maryland-West Virginia boundary to the Virginia boundary; thence southwestward along the Virginia-West Virginia boundary; thence southwestward along the Virginia-West Virginia boundary to a point 39°06′ N. latitude, 78°30′ W. longitude; thence to a point 38°19.5′ N. latitude, 77°25.2′ W. longitude; thence to a point 37°55′ N. latitude, 76°28.2′ W. longitude; thence to a point 37°55′ N. latitude, 76°16.8′ W. longitude; thence to a point 37°56.5′ N. latitude, 76°10.5′ W. longitude; thence to a point 37°57.2′ N. latitude, 76°03′ W. longitude on Chesapeake Bay; thence along the Maryland-Virginia boundary to the sea.

(5 U.S.C. 552; 14 U.S.C. 633; Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)); 35 FR 4958-59, 49 CFR 1.45 and 1.46)

[CGD 73-31R, 39 FR 8614, Mar. 6, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.25-20 Wilmington Marine Inspection Zone and Captain of the Port Zone.

(a) The Wilmington Marine Inspection Office and the Wilmington Captain of the Port Office are located in Wilmington, North Carolina.

(b) The boundary of the Wilmington Marine Inspection Zone, and of the Wilmington Captain of the Port Zone, starts at the sea at 34°59.8′ N. latitude, 76°07.8′ W. longitude, and follows a line northwesterly to a point 35°01.5′ N. latitude, 76°10′ W. longitude; thence westerly to a point 35°01.5′ N. latitude, 76°20′ W. longitude; thence northeasterly to a point 35°37′ N. latitude, 76°00.5′ W. longitude; thence westerly to a point 35°37′ N. latitude, 76°32′ W. longitude; thence north and westerly along the border of Hyde, Beaufort, and Washington Counties to a point 36°00′ N. latitude, 76°41′ W. longitude; thence northerly along the west bank of the Chowan River to the North Carolina-Virginia boundary; thence westerly along the North Carolina-Virginia boundary to Kerr (Buggs Island) Lake; thence along the shoreline of Kerr Lake in North Carolina to the North Carolina-Virginia boundary; thence westerly along the North Carolina-Virginia boundary to the Tennessee boundary; thence southwesterly along the North Carolina-Tennessee boundary to the Georgia boundary; thence easterly along the North Carolina-Georgia boundary to the South Carolina boundary; thence easterly along the South Carolina-North Carolina boundary to the sea.

(5 U.S.C. 552; 14 U.S.C. 633; Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)); 35 FR 4958-59, 49 CFR 1.45 and 1.46)

[CGD 73-31R, 39 FR 8614, Mar. 6, 1974; CGD 73-31R, 39 FR 12007, Apr. 2, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.35—Seventh Coast Guard District

### § 3.35-1 Seventh district.

(a) The District Office is in Miami, Fla.

(b) The Seventh Coast Guard District shall comprise South Carolina, Florida, and Georgia, except that part of Florida and Georgia west of a line from the intersection of the Florida coast with longitude 83°50′ W. due north to a position 30°15′ N., 83°50′ W., thence due west to a position 30°15′ N., 84°45′ W., thence due north to the intersection with the south shore of Jim Woodruff Reservoir, thence along the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Ga., thence to West Point, Ga.; the Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and the Virgin Islands; all of the U.S. naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean areas encompassed by a line bearing 122° T. from the coastal end of the Fifth and Seventh Coast Guard District land boundary to the intersection with the eastern boundary of the National Maritime Search and Rescue Region; thence along the eastern and southern boundary of the National Maritime Search and Rescue Region to the intersection with the off-shore boundary between the Seventh and Eighth Coast Guard Districts which is defined as a line extending 199° T. from the coastal end of the Seventh and Eighth Coast Guard District land boundary; thence along this line to the coast.

[CGFR 61-40, 26 FR 10348, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 911, Jan. 20, 1971]

### § 3.35-10 Miami Marine Inspection Zone and Captain of the Port Zone.

(a) The Miami Marine Inspection Office and the Miami Captain of the Port Office are located in Miami, Florida.

(b) The boundary of the Miami Marine Inspection Zone, and of the Miami Captain of the Port Zone, starts at the eastern Florida coast at 28°00′ N. latitude; thence due west to 28°00′ N. latitude, 81°30′ W. longitude; thence due south to 26°00′ N. latitude, 81°30′ W. longitude; thence southwesterly to the southern tip of Cape Romano; and includes all of the Florida Keys and the Dry Tortugas area.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.35-15 Charleston Marine Inspection Zone and Captain of the Port Zone.

(a) The Charleston Marine Inspection Office and the Charleston Captain of the Port Office are located in Charleston, South Carolina.

(b) The boundary of the Charleston Marine Inspection Zone, and of the Charleston Captain of the Port Zone, starts at the sea at the intersection of the North Carolina-South Carolina boundary; thence westerly along the North Carolina-South Carolina boundary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence southerly along the South Carolina-Georgia boundary to its intersection with the federal dam at the southern end of Hartwell Reservoir; thence southerly along the eastern bank of the Savannah River to 32°30′ N. latitude; thence easterly to the eastern bank of the Edisto River at 32°41′ N. latitude; thence southerly along the eastern bank of the Edisto River to the southern tip of Bay Point, Edisto Island, South Carolina.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.35-20 Jacksonville Marine Inspection Zone and Captain of the Port Zone.

(a) The Jacksonville Marine Inspection Office and the Jacksonville Captain of the Port Office are located in Jacksonville, Florida.

(b) The boundary of the Jacksonville Marine Inspection Zone, and of the Jacksonville Captain of the Port Zone, starts at the Georgia coast at 30°50′ N. latitude; thence due west to 30°50′ N. latitude, 82°15′ W. longitude; thence due south to the intersection of the Florida-Georgia boundary at 82°15′ W. longitude; thence westerly along the Florida-Georgia boundary to 83°00′ W. longitude; thence southeasterly to 28°00′ N. latitude; 81°30′ W. longitude; thence due east to the sea at 28°00′ N. latitude.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 76-212, 43 FR 1056, Jan. 5, 1978; 43 FR 18553, May 1, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.35-25 San Juan Marine Inspection Zone and Captain of the Port Zone.

(a) The San Juan Marine Inspection Office and the San Juan Captain of the Port Office are located in San Juan, Puerto Rico.

(b) The San Juan Marine Inspection Zone and the San Juan Captain of the Port Zone is comprised of the area of both the Commonwealth of Puerto Rico and the Territory of the Virgin Islands.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.35-30 Savannah Marine Inspection Zone and Captain of the Port Zone.

(a) The Savannah Marine Inspection Office and the Savannah Captain of the Port Office are located in Savannah, Georgia.

(b) The boundary of the Savannah Marine Inspection Zone, and of the Savannah Captain of the Port Zone, starts at the southern tip of Bay Point, Edisto Island, South Carolina; thence northerly along the eastern bank of the Edisto River to 32°41′ N. latitude; thence westerly to the eastern bank of the Savannah River at 32°30′ N. latitude; thence northerly along the eastern bank of the Savannah River to the intersection of the South Carolina-Georgia boundary with the federal dam at the southern end of Hartwell Reservoir; thence northerly along the South Carolina-Georgia boundary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence westerly along the Georgia-North Carolina boundary and continuing westerly along the Georgia-Tennessee boundary to the intersection of the Georgia-Tennessee-Alabama boundary; thence southerly along the Georgia-Alabama boundary to 32°53′ N. latitude; thence southeasterly to the eastern bank of the Flint River at 32°20′ N. latitude; thence southerly along the eastern bank of the Flint River and continuing southerly along the southeastern bank of Jim Woodruff Reservoir to 84°45′ W. longitude; thence southerly to the intersection of the Florida-Georgia boundary; thence easterly along the Florida-Georgia boundary to 82°15′ W. longitude; thence due north to 30°50′ N. latitude, 82°15′ W. longitude; thence due east to the sea at 30°50′ N. latitude.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.35-35 Tampa Marine inspection Zone and Captain of the Port Zone.

(a) The Tampa Marine Inspection Office and the Tampa Captain of the Port Office are locatred in Tampa, Florida.

(b) The boundary of the Tampa Marine Inspection Zone, and of the Tampa Captain of the Port Zone, starts at the Florida coast at 83°50′ W. longitude; thence due north to 30°15′ N. latitude, 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude; thence due north to the Florida-Georgia boundary at 84°45′ W. longitude; thence easterly along the Florida-Georgia boundary to 83°00′ W. longitude; thence southeasterly to 28°00′ N. latitude, 81°30′ W. longitude; thence due south to 26°00′ N. latitude, 81°30′ W. longitude; thence southwesterly to the southern tip of Cape Romano.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.40—Eighth Coast Guard District

### § 3.40-1 Eighth district.

(a) The District Office is in New Orleans, La.

(b) The Eighth Coast Guard District is compriseed of: New Mexico, Texas, and Louisiana; that part of Mississippi south of the southern boundaries of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, Lee, Prentiss and Tishomingo counties; the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam; that part of Alabama south of 34° N. latitude; those parts of Florida and Georgia west of a line starting at the Florida coast at 83°50′ W. longitude; thence northerly to 30°15′ N. latitude, 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45′ W. longitude; thence northeasterly along the eastern bank of the Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to Montezuma, Ga.; thence northerwesterly to West Point, Ga.; and the Gulf of Mexico area west of a line bearing 199° T. from the intersection of the Florida coast at 83°50′ W. longitude (the coastal end of the Seventh and Eighth Coast Guard District land boundary).

(80 Stat. 383 (5 U.S.C. 552); sec. 1, 63 Stat. 503 (14 U.S.C. 92); sec. 1, 63 Stat. 545 (14 U.S.C. 632 and 633); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGFR 67-15, 32 FR 5270, Mar. 29, 1967, as amended by CGD 77-167, 43 FR 2372, Jan. 16, 1978]

### § 3.40-10 Mobile Marine Inspection Zone and Captain of the Port Zone.

(a) The Mobile Marine Inspection Office and the Mobile Captain of the Port Office are located in Mobile, Alabama.

(b) The boundary of the Mobile Marine Inspection Zone and Captain of the Port Zone starts at the Florida coast 83°50′ W. longitude; thence due north to 30°15′ N., latitude 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45′ W. longitude; thence northeasterly along the eastern bank of Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to 32°20′ N. latitude, 84°02′ W. longitude; thence northwesterly to the intersection of the Georgia-Alabama boundary at 32°52′ N. latitude; thence northerly along the Georgia-Alabama boundary to 34° N. latitude; thence due west to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Miss.; thence westerly and southerly along the southern boundaries of Tishomingo, Prentiss, Lee, and Chickasaw Counties, Miss. to 89° W. longitude; thence due south to the southeastern bank of the Pearl River at 89° W. longitude; thence southwesterly along the southeastern bank of the Pearl River; thence southwesterly along the eastern bank of the Ross Barnett Reservoir; thence southerly along the eastern bank of the Pearl River to the sea.

(80 Stat. 383 (5 U.S.C. 552); sec. 1, 63 Stat. 503 (14 U.S.C. 92); sec. 1, 63 Stat. 545 (14 U.S.C. 632 and 633); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 77-167, 43 FR 2373, Jan. 16, 1978; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.40-15 New Orleans Marine Inspection Zone and Captain of the Port Zone.

(a) The New Orleans Marine Inspection Office and the New Orleans Captain of the Port Office are located in New Orleans, Louisiana.

(b) The boundary of the New Orleans Marine Inspection Zone and Captain of the Port Zone starts in Mississippi at the junction of the sea and the east bank of the Pearl River; thence northerly along the east bank of the Pearl River; thence northeasterly along the east shore of the Ross Barnett Reservoir; thence northeasterly along the east bank of the Pearl River to 89° W. longitude; thence north along 89° W. longitude to the southern boundary of Chickasaw County, Mississippi; thence westerly along the southern boundaries of Chickasaw, Calhoun, Granada, Leflore, Sunflower, and Washington Counties to the Mississippi-Louisiana boundary; thence west along the Louisiana-Arkansas boundary to the Texas boundary; thence south along the Louisiana-Texas boundary to 32°23′ N. latitude; thence southeasterly to 31°24′ N. latitude, 93°20′ W. longitude; thence southeasterly to 30°30′ N., 92°24′ W.; thence south along 92°24′ W. longitude to the sea.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.40-20 The Port Arthur Marine Inspection Zone and Captain of the Port Zone.

(a) The Port Arthur Marine Inspection Office and Captain of the Port Office are in Port Arthur, Texas.

(b) The boundary of the Port Arthur Marine Inspection Zone, and the Captain of the Port Zone, starts at the junction of the sea and 92°24′ W. longitude; thence north along 92°24′ W. longitude to 30°30′ N. latitude; thence northwesterly to 31°24′ N. latitude, 93°20′ W. longitude; thence northwesterly to the junction of 32°23′ N. latitude and the Louisiana-Texas boundary; thence north along the Louisiana-Texas boundary and the Texas-Arkansas boundary; thence westerly along the Texas-Arkansas boundary and the Texas-Oklahoma boundary to 97° W. longitude; thence south along 97° W. longitude to the southern boundary of Dallas County, Texas; thence easterly along the southern boundary of Dallas County, Texas, to the east bank of the Trinity River; thence southeasterly along the east bank of the Trinity River; thence southeasterly along the east shore of Lake Livingston; thence southerly along the east bank of the Trinity River to 30° N. latitude; thence east along 30° N. latitude to 94°23′ W. longitude; thence south along 94°23′ W. longitude to the sea.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 76-079, 41 FR 37104, Sept. 2, 1976; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.40-25 Houston Marine Inspection Zone and Captain of the Port Zone.

(a) The Houston Marine Inspection Office and the Houston Captain of the Port Office are located in Houston, Tex.

(b) The boundary of the Houston Marine Inspection Zone and Captain of the Port Zone starts at the junction of the east bank of the Trinity River and 30° N. latitude; thence northerly along the east bank of the Trinity River; thence northwesterly along the eastern shore of Lake Livingston; thence northwesterly along the east bank of the Trinity River to the southern boundary of Dallas County, Texas; thence westerly along the southern boundary of Dallas County, Texas to 97° W. longitude; thence north along 97° W. longitude to the Texas-Oklahoma boundary; thence northwesterly along the Texas-Oklahoma boundary; thence north along the New Mexico-Oklahoma boundary; thence west along the New Mexico-Colorado boundary; thence south along the New Mexico-Arizona boundary; thence easterly along the southern boundary of New Mexico to the southeast corner of New Mexico at 32° N. latitude; thence southeasterly to 29°18′ N. latitude, 96°07′ W. longitude; thence northeasterly to 29°35′ N. latitude, 94°55′ W. longitude; thence north along 94°55′ W. longitude to 30° N. latitude; thence east along 30° N. latitude to the east bank of the Trinity River.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 78-051, 43 FR 40224, Sept. 11, 1978; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.40-30 Galveston Marine Inspection Zone and Captain of the Port Zone.

(a) The Galveston Marine Inspection Office and the Galveston Captain of the Port Office are located in Galveston, Texas.

(b) The boundary of the Galveston Marine Inspection Zone and Captain of the Port Zone starts at the junction of the sea and 94°23′ W. longitude; thence north along 94°23′ W. longitude to 30° N. latitude; thence west along 30° N. latitude to 94°55′ W. longitude; thence south to 29°35′ N. latitude, 94°55′ W. longitude; thence southwesterly to the east bank of the Colorado River at 29°18′ N. latitude, 96°07′ W. longitude; thence southerly along the east bank of the Colorado River to the sea.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-40, 39 FR 32132, Sept. 5, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.40–35 Corpus Christi Marine Inspection Zone and Captain of the Port Zone.

(a) The Corpus Christi Marine Inspection Office and the Corpus Christi Captain of the Port Office are located in Corpus Christi, Texas.

(b) The boundary of the Corpus Christi Marine Inspection Zone and Captain of the Port Zone starts at the junction of the sea and the east bank of the Colorado River; thence northerly along the east bank of the Colorado River to 29°18′ N. latitude, 96°07′ W. longitude; thence northwesterly to the southeast corner of New Mexico at 32° N. latitude; thence westerly along the Texas-New Mexico boundary to the international boundary; thence southeasterly along the international boundary to the sea.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-40, 39 FR 32132, Sept. 5, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.45—Ninth Coast Guard District

AUTHORITY: 5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46, unless otherwise noted.

SOURCE: CGD 79-011, 44 FR 33401, June 11, 1979, unless otherwise noted.

### § 3.45–1 Ninth district.

(a) The District Office is in Cleveland Ohio.

(b) The Ninth Coast Guard District comprise Michigan, New York north of latitude 42° N. and west of longitude 74°39′ W.; Pennsylvania north of latitude 41° and west of longitude 78°55′ W.; that part of Ohio and Indiana north of latitude 41° N.; that part of Illinois north of latitude 41° N. and east of longitude 90° W.; Wisconsin, except that part south of latitude 46°20′ N. and west of longitude 90° W.; and that part of Minnesota north of latitude 46°20′ N.

[CGFR 61-40, 26 FR 10350, Nov. 3, 1961, as amended by CGFR 71-85, 36 FR 16577, Aug. 24, 1971]

### § 3.45–5 Cleveland Marine Inspection Zone and Captain of the Port Zone.

(a) The Cleveland Marine Inspection Office and the Cleveland Captain of the Port Office are located in Cleveland, Ohio.

(b) The Cleveland Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 82° 25′ W.; thence due south to latitude 41° N.; thence due east longitude 81° W.; thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

(c) Notwithstanding paragraph (b) of this section and § 3.10–50(b), factory inspections at the towns of Alliance and Sebring, Ohio, are conducted by marine inspectors from the Cleveland Marine Inspection Office rather than from the Pittsburgh Marine Inspection Office.

### § 3.45–10 Buffalo Marine Inspection Zone and Captain of the Port Zone.

(a) The Buffalo Marine Inspection Office and the Buffalo Captain of the Port Office are located in Buffalo, New York.

(b) The Buffalo Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 81° W.; thence due south to latitude 41° N.; thence due east to longitude 78° 55′ W.; thence due north to latitude 42° N.; thence due east to longitude 74° 39′ W.; thence due north to the international boundary; thence southeasterly along the international boundary to the starting point.

### § 3.45–15 Chicago Marine Inspection Zone.

(a) The Chicago Marine Inspection Office is located in Chicago, Illinois.

(b) The Chicago Marine Inspection Zone includes those parts of Michigan, Indiana, Ohio, and Illinois within the following boundaries: From the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 44°15′ N.; thence northeasterly to latitude 44°43′ N., longitude 86°40′ W.; thence due east to longitude 84°30′ W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to the starting point.

### § 3.45-20 Detroit Marine Inspection Zone and Captain of the Port Zone.

(a) The Detroit Marine Inspection Office and the Detroit Captain of the Port Office are located in Detroit, Michigan.

(b) The Detroit Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From latitdue 42° N., longitude 84°30′ W.; thence due east to the international boundary; thence northerly along the international boundaries to latitude 44°43′ N.; thence due west to longitude 84°30′ W.; thence due south to the starting point.

### § 3.45-25 Duluth Marine Inspection Zone and Captain of Port Zone.

(a) The Duluth Marine Inspection Office and the Duluth Captain of the Port Office are located in Duluth, Minnesota.

(b) The boundary of the Duluth Marine Inspection Zone and Captain of the Port Zone starts at the intersection of the Minnesota-North Dakota boundary and the international boundary; thence southerly along the Minnesota-North Dakota boundary to latitude 46°20′ N.; thence due east to longitude 88°30′ W.; thence northeasterly to the shore of Lake Superior at longitude 87°45′ W.; thence northerly to Manitou Island Light, located at latitude 47°25′ N., longitude 87°35′ W.;thence due north to the international boundary at longitude 87°35′ W.; thence westerly along the international boundary to the starting point.

### § 3.45-30 Milwaukee Marine Inspection Zone and Captain of the Port Zone.

(a) The Milwaukee Marine Inspection Office and the Milwaukee Captain of the Port Office are located in Milwaukee, Wisconsin.

(b) The boundary of the Milwaukee Marine Inspection Zone and Captain of the Port Zone starts at the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 43°52′36″ N.; thence due west to longitude 88°02′24″ W.; thence due north to latitude 44°16′20″ N.; thence due west to longitude 90° W.; thence due south to the starting point.

### § 3.45-35 Sturgeon Bay Marine Inspection Zone and Captain of the Port Zone.

(a) The Sturgeon Bay Marine Inspection Office and the Sturgeon Bay Captain of the Port Office are located in Sturgeon Bay, Wisconsin.

(b) The boundary of the Sturgeon Bay Marine Inspection Zone and Captain of the Port Zone starts at latitude 46°20′ N.; longitude 90° W.; thence due south to latitude 44°16′20″ N.; thence due east to longitude 88°02′24″ W.; thence due south to latitude 43°52′36″ N.; thence due east to longitude 87° W.; thence due north to latitude 44°15′ N.; thence northeasterly to latitude 44°43′ N., longitude 86°40′ W.; thence due north to latitude 45°27′ N.; thence due west to longitude 88°30′ W.; thence due north to latitude 46°20′ N.; thence due west to the starting point.

### § 3.45-45 St. Ignace Marine Inspection Zone and Sault Ste. Marie Captain of the Port Zone.

(a) The St. Ignace Marine Inspection Office is located in St. Ignace, Michigan. The Sault Ste. Marie Captain of the Port Office is located in Sault Ste. Marie, Michigan.

(b) The boundary of the St. Ignace Marine Inspection Zone and the Sault Ste. Marie Captain of the Port Zone starts at the international boundary at latitude 44°43′ N.; thence due west to longitude 86°40′ W.; thence due north to latitude 45°27′ N.; thence due west to longitude 38°30′ W.; thence due north to latitude 46°20′ N.; thence northeasterly to the shore of Lake superior at longitude 87°45′ W.; thence northerly to Manitou Island Light, located at latitude 47°25′ N., longitude 87°35′ W.; thence due north to the international boundary at longitude 87°35′ W.; thence southeasterly along the international boundary to the starting point.

### § 3.45-50 Toledo Marine Inspection Zone and Captain of the Port Zone.

(a) The Toledo Marine Inspection Office and the Toledo Captain of the Port Office are located in Toledo, Ohio.

(b) The Toledo Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United states and contiguous land areas within the following boundaries: From latitude 42° N.; longitude 84°30′ W.; thence due south to latitude 41° N.; thence due east to longitude 82°25′ W.; thence due north to the international boundary in Lake Erie; thence northwesterly along the international boundary to latitude 42° N.; thence due west to the starting point.

### § 3.45-60 Chicago Captain of the Port Zone.

(a) The Chicago Captain of the Port Office is in Chicago, Illinois.

(b) The Chicago Captain of the Port Zone includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois-Wisconsin State line at longitude 90° W.; thence due east to longitude 87° W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to the starting point.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGFR 62-25, 27 FR 8732, Aug. 31, 1962, as amended by CGFR 71-85, 36 FR 16578, Aug. 24, 1971; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.45-80 Muskegon Captain of the Port Zone.

(a) The Muskegon Captain of the Port Office is in Muskegon, Mich.

(b) The Muskegon Captain of the Port Zone includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 41° N., longitude 37° W.; thence due east to longitude 84°30′ W.; thence due north to latitude 44°43′ N.; thence due west to longitude 86°40′ W.; thence southwesterly to latitude 44°15′ N., longitude 87° W.; thence due south to the starting point.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGFR 71-85, 36 FR 16578, Aug. 24, 1971, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.55—Eleventh Coast Guard District

### § 3.55-1 Eleventh district.

(a) The District Office is in Long Beach, Calif.

(b) The eleventh Coast Guard District shall comprise Arizona; Clark County in Nevada; Washington, Kane, San Juan, and Garfield Counties in Utah; the southern part of California comprising the Counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof; and the ocean area bounded by a line from California coast at latitude 34°58′ N. (mouth of Santa Maria River) southwesterly to latitude 24°15′ N., longitude 134°40′ W.; thence southeasterly to latitude 5° S., longitude 110° W.; thence northeasterly to the border between Guatemala and Mexico on the Pacific Coast (14°38′ N. latitude, 92°19′ W. longitude).

[CGFR 61-40, 26 FR 10351, Nov. 3, 1961, as amended by CGFR 64-31, 29 FR 7425, June 9, 1964]

### § 3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone.

(a) The Los Angeles-Long Beach Marine Inspection Office and the Los Angeles-Long Beach Captain of the Port Office are located in Long Beach, California.

(b) The boundary of the Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone starts in California at the intersection of the San Luis Obispo County-Santa Barbara County boundary and the sea and follows this boundary to the Kern County line; thence north and west along the Kern County-San Luis Obispo County boundary to the Kings County line; thence eastward along Kings County-Kern County boundary to the Tulare County line; thence eastward along the Tulare County-Kern

County boundary to the Inyo County line; thence eastward along the Kern County-Inyo County boundary to the San Bernadino County line; thence eastward along the Inyo County-San Bernadino County boundary to the Nevada State line; thence northwest along the California-Nevada boundary to its intersection with the Nye County-Clark County, Nevada boundary; thence north along this boundary to the Lincoln County line; thence east along the Clark County-Lincoln County boundary to the Arizona State line thence north along the Nevada-Arizona boundary to the Utah State line; thence north along the Nevada-Utah boundary to its intersection with the Iron County-Washington County, Utah boundary; thence eastward along this boundary to the Kane County line; thence north and east along the Kane County-Iron County boundary to the Garfield County line; thence northeast along the Garfield County-Iron County boundary to the Beaver County line; thence east along the Beaver County-Garfield County boundary to the Piute County line; thence east along the Piute County-Garfield County boundary to the Wayne County line; thence east along the Garfield County-Wayne County boundary to the San Juan County line; thence northward along the San Juan County-Wayne County boundary to the Grand County line; thence east along the San Juan County-Grand County boundary to the Colorado State line; thence south along the Utah-Colorado boundary to the Arizona State line; thence south along the Arizona-New Mexico boundary to the International boundary; thence west along the International boundary to its intersection with the Imperial County-San Diego County, California boundary; thence north along this boundary to the Riverside County line; thence west along the Riverside County-San Diego County boundary to the Orange County line; thence southwest along the Orange County-San Diego County boundary to the sea. The Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Area also includes the California islands south and east of the northern boundary of the Eleventh Coast Guard District, that is described in section 3.55-1 of this part (a line drawn from the intersection of latitude 34°58′ N. and the California coastline southwesterly, bearing approximately 229° T.), and north and west of a line drawn 255° T. from latitude 32°22.5′ N. longitude 117°35.7′ W. (San Mateo Point).

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 552, 14 U.S.C. 633; sec. 1, 63 Stat. 504 (14 U.S.C. 93); 80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-241, 39 FR 44979, Dec. 30, 1974, as amended by CGD 77-234, 43 FR 18553, May 1, 1978; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.55-15 San Diego Marine Inspection Zone and Captain of the Port Zone.

(a) The San Diego Marine Inspection Office and San Diego Captain of the Port Office are located in San Diego, California.

(b) The boundary of the San Diego Marine Inspection Zone and Captain of the Port Zone is the boundary of San Diego County, California, starting and ending at the sea, but also including the California islands south and east of a line that is drawn 255° T. from latitude 32°22.5′ N., longitude 117°35.7′ W. (San Mateo Point).

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-241, 39 FR 44980, Dec. 30, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.60—Twelfth Coast Guard District

### § 3.60-1 Twelfth district.

(a) The District Office is in San Francisco, Calif.

(b) The Twelfth Coast Guard District shall comprise Utah, except for Washington, Kane, San Juan and Garfield Counties; Nevada, except for Clark County; and the northern part of California comprising the Counties of San Luis Obispo, Kings, Tulare, and Inyo, and all counties north thereof; the ocean area bounded by a line from the California Coast at latitude 34°58′ N. (mouth of the Santa Maria River) southwesterly to latitude 24°15′ N., longitude 134°40′ W.; thence northwesterly to latitude 40° N., longitude 150° W.; thence easterly to the California-Oregon State line.

[CGFR 61-40, 26 FR 10352, Nov. 3, 1961, as amended by CGFR 64-31, 29 FR 7425, June 9, 1964]

### § 3.60–10 San Francisco Marine Inspection Zone.

(a) The San Francisco Marine Inspection Office is in San Francisco, Calif.

(b) The San Francisco Marine Inspection Zone comprises the land masses and waters of Utah, except for Washington, Kane, San Juan, and Garfield Counties; Nevada, except for Clark County; and all of California north of Santa Barbara, Kern, and San Bernardino Counties.

[CGFR 61-40, 26 FR 10352, Nov. 3, 1961, as amended by CGFR 64-31, 29 FR 7425, June 9, 1964]

### § 3.60–50 Monterey Captain of the Port Zone.

(a) The Monterey Captain of the Port office is located in Monterey, Calif.

(b) The Monterey Captain of the Port Zone comprises the State of California within the boundary that starts at the sea at 37°14′ N. latitude, 122°25′ W. longitude; thence due east to 37°14′ N. latitude, 121°40′ W. longitude; thence southeasterly to 35°00′ N. latitude, 120°20′ W. longitude; thence southwesterly to the sea at 34°58′ N. latitude, 120°39′ W. longitude (mouth of the Santa Maria River).

(63 Stat. 545; 80 Stat. 937; 14 U.S.C. 633; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 77-088, 43 FR 25955, June 15, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.60–55 San Francisco Captain of the Port Zone.

(a) The San Francisco Captain of the Port office is located in San Francisco, Calif.

(b) The San Francisco Captain of the Port Zone comprises the State of Utah, except for Washington, Kane, San Juan, and Garfield Counties; the State of Nevada, except for Clark County; and the State of California north of Santa Barbara, Kern, and San Bernadino Counties, except for the areas covered in § 3.60–50, Monterey Captain of the Port Area; and § 3.60–60, Humboldt Bay Captain of the Port Area.

(63 Stat. 545; 80 Stat. 937; 14 U.S.C. 633; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 77-088, 43 FR 25955, June 15, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.60–60 Humboldt Bay Captain of the Port Zone.

(a) The Humboldt Bay Captain of the Port office is located in Samoa, Calif.

(b) The Humboldt Bay Captain of the Port Zone comprises the State of California within the boundary that starts at the sea at 42°00′ N. latitude, 124°11′ W. longitude (the California-Oregon boundary); thence due east along the California-Oregon boundary to 42°00′ N. latitude, 123°30′ W. longitude; thence due south to 40°00′ N. latitude, 123°30′ W. longitude; thence due west to the sea at 40°00′ N. latitude, 124°00′ W. longitude.

(63 Stat. 545; 80 Stat. 937; 14 U.S.C. 633; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 77-088, 43 FR 25955, June 15, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.65—Thirteenth Coast Guard District

### § 3.65–1 Thirteenth district.

(a) The District Office is in Seattle, Wash.

(b) The Thirteenth Coast Guard District shall comprise Washington, Oregon, Idaho, and Montana; and the ocean area bounded by a line from California-Oregon state line westerly to latitude 40° N. longitude, 150° W., thence northeasterly to latitude 54°40′ N., longitude 140° W., thence due east to the Canadian coast.

[CGFR 61-40, 26 FR 10352, Nov. 3, 1961]

### § 3.65–10 Seattle Marine Inspection Zone and Captain of the Port Zone.

(a) The Seattle Marine Inspection Office and the Seattle Captain of the Port Office are located in Seattle, Washington.

(b) The boundary of the Seattle Marine Inspection Zone, and of the Seattle Captain of the Port Zone, starts at a point 48°29′35″ N. latitude, 124°43′45″ W. longitude and follows the international boundary eastward to the Montana-North Dakota boundary; thence southerly along this boundary to the Wyoming State line; thence westerly and southerly along the Montana-Wyoming boundary to the Idaho State line. Thence northwesterly along the Montana-Idaho boundary to 46°55′ N. latitude thence westerly to a point 46°55′ N. latitude, 123°18′ W. longitude; thence northerly to a point 47°32′ N. latitude, 123°18′ W. longitude; thence westerly along the 47°32′ N. latitude to the sea.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-78, 39 FR 17312, May 15, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.65-15 Portland, Oregon, Marine Inspection Zone and Captain of the Port Zone.

(a) The Portland Marine Inspection Office and the Portland Captain of the Port Office are located in Portland, Oregon.

(b) The boundary of the Portland Marine Inspection Zone, and of the Portland Captain of the Port Zone, starts at the Washington coast on the 47°32′ N. latitude and follows this latitude easterly to a point 47°32′ N. latitude, 123°18′ W. longitude; thence south to the 46°55′ N. latitude; thence easterly along this latitude to the eastern Idaho State line; thence southeasterly along the Idaho State line to the Idaho-Wyoming boundary junction; thence southerly along the Idaho-Wyoming boundary to the Idaho-Utah-Wyoming boundary junction; thence westerly along the 42° N. latitude to the sea.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 74-78, 39 FR 17312, May 15, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.70—Fourteenth Coast Guard District

Source: CGFR 61-40, 26 FR 10352, Nov. 3, 1961, unless otherwise noted.

### § 3.70-1 Fourteenth district.

(a) The District Office is in Honolulu, Hawaii.

(b) The Fourteenth Coast Guard District shall comprise the State of Hawaii; and the Pacific Islands belonging to the United States south of latitude 40° N., and west of a line running from 40° N., 150° W. through latitude 5° S., 110° W.; the ocean area west and south of a line running from position 51° N., 158° E. to position 43° N., 165° E.; thence due south to latitude 40° N.; thence due east to longitude 150° W.; thence southeasterly through latitude 5° S., longitude 110° W.

[CGFR 61-40, 26 FR 10352, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 912, Jan. 20, 1971]

### § 3.70-10 Honolulu Marine Inspection Zone and Captain of the Port Zone.

(a) The Honolulu Marine Inspection Office and Captain of the Port Office are in Honolulu, Hawaii.

(b) The Honolulu Marine Inspection Zone and Captain of the Port Zone boundaries are the boundaries of Hawaii.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 76-213, 42 FR 6581, Feb. 3, 1977, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.70-15 Guam Marine Inspection Zone and Captain of the Port Zone.

(a) The Guam Marine Inspection Office and Captain of the Port Office are in Agana, Guam.

(b) The Guam Marine Inspection Zone and Captain of the Port Zone boundaries are the boundaries of the Territory of Guam.

(80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.45, 1.46)

[CGD 76-213, 42 FR 6581, Feb. 3, 1977, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

## Subpart 3.85—Seventeenth Coast Guard District

### § 3.85–1 Seventeenth district.

(a) The District Office is in Juneau, Alaska.

(b) The Seventeenth Coast Guard District shall comprise the State of Alaska; the ocean area bounded by a line from the Canadian Coast at latitude 54°40′ N. due west to longitude 140° W.; thence southwesterly to position 40° N., 150° W.; thence due west to position 40° N., 165° E.; thence due north to latitude 43° N.; thence northwesterly to 51° N., 158° E.; thence north and east along the coastline of the continent of Asia to East Cape; thence north to the Arctic Ocean.

[CGFR 61-40, 26 FR 10353, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 912, Jan. 20, 1971]

### § 3.85–10 Southeast Alaska Marine Inspection Zone and Captain of the Port Zone.

(a) The Southeast Alaska Marine Inspection Office and the Southeast Alaska Captain of the Port Office are located in Juneau, Alaska.

(b) The Southeast Alaska Marine Inspection Zone and the Southeast Alaska Captain of the Port Zone comprise the State of Alaska southeast of a straight boundary line which starts at 60°01.3′ N. latitude, 142° W. longitude, thence proceeds northeasterly to its end at the international boundary between the United States and Canada at 60°18.7′ N. latitude, 141° W. longitude.

(5 U.S.C. 552; 14 U.S.C. 633; Sec. 6, Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655(b)); 35 FR 4958–59, 49 CFR 1.45, 1.46)

[CGD 75–095, 40 FR 28451, July 7, 1975, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.85–15 Western Alaska Marine Inspection Zone and Captain of the Port Zone.

(a) The Western Alaska Marine Inspection Office and the Western Alaska Captain of the Port Office are located in Anchorage, Alaska.

(b) The Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Zone comprise the State of Alaska, except that section of Alaska covered in § 3.85–20(b), that is west of the following described boundary line: A line which starts at 60°01.3′ N. latitude, 142° W. longitude; thence northeasterly to the international boundary between the United States and Canada at 60°18.7′ N. latitude; thence northerly along the international boundary to the sea at 69°38.8′ N. latitude, 141° W. longitude.

(63 Stat. 545 (14 U.S.C. 633), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.45, 1.46)

[CGD 77–023, 42 FR 36252, July 14, 1977; 42 FR 38354, July 28, 1977, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

### § 3.85–20 Prince William Sound Marine Inspection Zone and Captain of the Port Zone.

(a) The Prince William Sound Marine Inspection Office and the Prince William Sound Captain of the Port Office are located in Valdez, Alaska.

(b) The Prince William Sound Marine Inspection Zone and the Prince William Sound Captain of the Port Zone comprise the State of Alaska that falls within the following boundary line: A line which starts at Cape Puget; thence northerly to latitude 61°30′ N., longitude 148°26′ W.; thence easterly to latitude 61°30′ N., longitude 145°30′ W.; thence southerly to the sea at longitude 145°30′ W.; thence westerly along the coastline to Pt. Whitshed; thence southwesterly to Point Bentinck aero-beacon on Hinchinbrook Island; thence southwesterly along the coastline of Hinchinbrook Island to Cape Hinchinbrook Light; thence northwesterly to Schooner Rock Light; thence southwesterly along the coastline of Montague Island to latitude 59°50′ N., longitude 147°54′ W.; thence northwesterly to Point Elrington Light; thence westerly to Cape Puget.

(5 U.S.C. 552; 63 Stat. 545 (14 U.S.C. 633), 80 Stat. 937 (49 U.S.C. 1655(b)); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.45, 1.46)

[CGD 77-023, 42 FR 36252, July 14, 1977, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 79-133, 44 FR 70720, Dec. 10, 1979]

## PART 5—COAST GUARD AUXILIARY

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AUTHORITY: Sec. 633, 63 Stat. 545; 14 U.S.C. 633, 821-832, 891-894.

SOURCE: CGFR 48-64, 13 FR 8393, Dec. 28, 1948, unless otherwise noted.

### § 5.01 Definitions.

Certain terms used in this part are defined as follows:

(a) "Act" means the Coast Guard Auxiliary and Reserve Act of 1941, as amended, and recodified by Act of August 4, 1949, as 14 U.S.C. 821 through 832.

(b) "Auxiliary" means the United States Coast Guard Auxiliary established pursuant to the Act.

(c) "Commandant" means the Commandant of the United States Coast Guard.

(d) "Member" means any person who is a member of the Auxiliary.

(e) "Vessel" means a motorboat or yacht.

(f) "Motorboat" means any documented or numbered vessel propelled by machinery, not more than 65 feet in length measured end to end over the deck excluding sheer.

(g) "Yacht" means either (1) any documented or numbered vessel used exclusively for pleasure, or (2) any sailboat used exclusively for pleasure over 16 feet in length measured from end to end over the deck excluding sheer.

(h) "Radio station" means any equipment (including a building which houses such equipment) the use of which to transmit communications by radio is authorized pursuant to law.

(i) "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

(j) "Secretary" means the Secretary of the Treasury when the Coast Guard operates in the Treasury Department or the Secretary of the Navy when the Coast Guard operates as part of the Navy.

(k) "Facility" or "facilities" means a vessel, aircraft, and/or radio station.

[CGFR 48-64, 13 FR 8393, Dec. 28, 1948, as amended by CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.03 Purpose.

The Auxiliary was created in order to assist the Coast Guard to:

(a) Promote safety and to effect rescues on and over the high seas and on navigable waters.

(b) Promote efficiency in the operation of motorboats and yachts.

(c) Foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts.

(d) Facilitate other operations of the Coast Guard.

### § 5.05 Organization.

The Auxiliary is a nonmilitary organization administered by the Commandant, under the direction of the Secretary.

### § 5.07 Administration.

Any authority vested in the Commandant by this part may be delegated by him to such personnel of the Coast Guard, in such manner and to such extent, as he deems necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

### § 5.09 Eligibility for membership.

To be eligible for membership in the Auxiliary, a person (male or female) must be over 17 years of age; a citizen of the United States or of its Territories and possessions; and either own not less than a twenty-five percent interest in a motorboat, yacht, aircraft, or radio station; or have had such special training or experience as to qualify him in the opinion of the Commandant, for duty in the Auxiliary.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.11 Membership in military organizations.

Members of the Auxiliary may also be enrolled, enlisted or commissioned in the Coast Guard Reserve. Membership in the Auxiliary is not a bar to membership in any other naval or military organization.

### § 5.13 Application for membership.

Application for membership in the Auxiliary shall be made on the prescribed form which may be obtained from the Commander of the Coast Guard district in which located. Membership is based on the needs of the Auxiliary and will necessarily vary in the various Coast Guard districts.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.15 Admission to membership.

An applicant who is accepted for membership shall be enrolled in the Auxiliary and shall be issued a membership certificate and identification card. Mere ownership of such a certificate or card shall not entitle a member of the Auxiliary to be vested with or exercise any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Coast Guard Reserve.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.17 Disenrollment.

A member of the Auxiliary shall be disenrolled on request; upon ceasing to possess the qualifications for membership; for cause; upon direction of the Commandant; or upon death.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.19 Training.

The Commandant may authorize members of the Auxiliary to pursue correspondence courses conducted by the Coast Guard Institute at cost when the furnishing of such courses does not interfere with other regular Coast Guard activities.

### § 5.21 Ranks, titles, designations, or grades.

The members of the Auxiliary shall have such ranks, titles, designations, or grades, pursuant to their qualifications, as the Commandant considers necessary for the administration and operation of the Auxiliary.

### § 5.23 Advancement.

The Commandant shall prescribe the circumstances and qualifications under which members of the Auxiliary may be advanced.

### § 5.25 Honorary members.

For conspicuous service to or active interest in the Auxiliary, the Commandant may award any person with honorary membership in the Auxiliary. An honorary member of the Auxiliary, solely by reason of such honorary membership, shall not be entitled to any of the rights, benefits, privileges, duties, or obligations of regular members of the Auxiliary.

### § 5.27 Assignment to specific duties.

Members of the Auxiliary shall not be assigned to specific duties until they have been found, after appropriate training and examination, to be competent to perform such duties.

### § 5.29 Assignment to duty on a motorboat, yacht, aircraft, or radio station.

No member of the Auxiliary shall be placed in charge of a motorboat, yacht, aircraft, or radio station assigned to Coast Guard duty unless he has been specifically designated by authority of the Commandant to perform such duty.

### § 5.31 Power and authority.

Members of the Auxiliary, when assigned to specific duties shall, unless otherwise limited by the Commandant, be vested with the same power and authority, in execution of such duties, as members of the regular Coast Guard assigned to similar duties.

### § 5.33 Training, examination, and assignment.

The Commandant will prescribe the type of training, qualifications and examinations required before a member of the Auxiliary shall be deemed qualified to perform certain duties, and will prescribe the circumstances and manner in which certain members of the Auxiliary shall be authorized to perform regular and emergency specific duties.

### § 5.35 Use of facilities.

Section 826 of Title 14, U.S. Code, reads as follows:

> The Coast Guard may utilize for any purpose incident to carrying out its functions and duties as authorized by the Secretary any motorboat, yacht, aircraft, or radio station placed at its disposition for any of such purposes by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.37 Offer of facilities.

Any member of the Auxiliary desiring to place a vessel, aircraft, or radio station at the disposal of the Coast Guard pursuant to the Act and the regulations in this part, shall communicate with the Commander of the Coast Guard district in which located indicating in such communication which facility is offered. Except in emergencies, an offer to the Coast Guard must be made on the prescribed form.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.39 Acceptance of facilities.

No vessel, aircraft or radio station shall be deemed loaned to the Coast Guard until an acceptance, on the prescribed form, has been signed on behalf of the Coast Guard by a person authorized by the Commandant to sign such acceptance and a complete inventory of consumable and expendable stores and equipment has been made and mutually settled by the owner and the representative of the Coast Guard.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.41 Emergencies.

In an emergency, as declared by the Commandant, the offer of a vessel, aircraft, or radio station may be made without the use of the prescribed form, and such facility may be accepted on behalf of the Coast Guard without the use of the acceptance section of the above form or the inventory last above mentioned.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.43 Public vessels, aircraft, and radio stations.

While assigned to Coast Guard duty as authorized herein:

(a) Any motorboat or yacht shall be deemed to be a public vessel of the United States, and within the meaning of section 827 of Title 14, U.S. Code, shall be deemed to be a vessel of the United States Coast Guard.

(b) Any aircraft shall be deemed to be a vessel of the United States Coast Guard within the meaning of section 828 of Title 14, U.S. Code, and shall be deemed to be a "public aircraft" within the meaning of the act of June 23, 1958 (72 Stat. 737; 49 U.S.C. 1301).

(c) Any radio station shall be deemed to be a radio station of the United States Coast Guard and a "Government station" within the meaning of section 829, Title 14, U.S. Code.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.45 Return of facility.

A vessel, aircraft, or radio station placed at the disposal of the Coast Guard for a specific period, shall be returned at the expiration of such period, unless circumstances or emergent need make the return impracticable at that time. The Commandant will determine the method, time, and documents to be exchanged upon the return to the owner of any facility. The property shall be reinventoried as of the time, date and place of redelivery, and mutually settled by the owner and the representative of the Coast Guard. Should the vessel have been accepted under emergent conditions, any claim for lost equipment or stores must be supported by invoices showing the date of purchase and the cost thereof by the person submitting claim therefor. The representative of the Coast Guard shall take all proper precautions to protect the interest of the owner as well as that of the United States.

### § 5.47 Flag or pennant.

The flag or pennant, authorized by the Secretary, may be displayed by any vessel, aircraft, or radio station at such times and under such circumstances as may be authorized by the Commandant. The penalty for the unauthorized flying of any flag or pennant of the Auxiliary is set forth in § 5.67.

### § 5.49 Reimbursement for expenses.

Any person whose vessel, aircraft, or radio station has been offered to and accepted by the Coast Guard shall, in accordance with instructions of the Commandant, be reimbursed for the actual necessary expenses of operation of such vessel, aircraft, or radio station when assigned to Coast Guard duty. "Actual necessary expenses of operation" includes payment for fuel, oil, power, water, supplies, provisions, and replacement or repair of equipment.

### § 5.51 Damaged equipment or facilities.

The Commandant will prescribe the nature of reports to be made and the procedure to be followed upon the return of a vessel, aircraft, or radio station. If such report shows that the vessel, aircraft, or radio station has been damaged, or that any equipment thereof is in need of replacement or repair, the Commandant shall cause an investigation to be made. If, as a result of such investigation, it is found that the responsibility for the damage rests with the Coast Guard; and that the vessel, aircraft, or radio station had been offered to and accepted by the Coast Guard; and that at the time the damage was incurred the facility was assigned, by competent authority, to specific Coast Guard duties; the damages may be repaired or the equipment replaced, in the discretion of the Commandant, whose decision shall be final, either by the Coast Guard or by the owner of the facility at his own expense for which reimbursement will be made by the Coast Guard.

### § 5.53 Constructive or actual loss.

In case of the constructive or actual loss of a vessel, aircraft, or radio station, where such loss is reported to the Coast Guard within six months from the date of such loss, the Commandant will cause an investigation to be made. If, as a result of such investigation, it is found that the responsibility for the loss rests with the Coast Guard; and that the vessel, aircraft, or radio station had been offered to and accepted by the Coast Guard; and that at the time of the loss, the facility was assigned, by competent authority, to specific Coast Guard duties; the Coast Guard will make such payment to the owner of the facility, as in the discretion of the Commandant, whose decision shall be final, will compensate such owner for the constructive or actual loss of his vessel, aircraft, or radio station.

### § 5.55 Compensation.

No member of the Auxiliary shall receive any compensation for his services as a member of the Auxiliary.

### § 5.57 Traveling expenses and per diem.

A member of the Auxiliary, when assigned to specific duties, may be paid actual necessary traveling expenses, including a per diem allowance, in conformity with Comptroller's Manual, U.S. Coast Guard.

[CGFR 49-46, 14 FR 7528, Dec. 16, 1949, as amended by CGFR 61-55, 26 FR 10571, Dec. 28, 1961]

### § 5.59 Medical treatment and hospitalization.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing patrol duty or any other specific duty to which he has been assigned, such member or his beneficiary shall be entitled to the same benefits as are now or as may hereafter be provided for temporary members of the Coast Guard Reserve who suffer physical injury or death resulting from physical injury incurred in line of duty. Members of the Auxiliary who contract sickness or disease while performing patrol duty or any other specific duty to which they have been assigned shall be entitled to the same hospital treatment as is afforded members of the Regular Coast Guard.

### § 5.61 Uniforms.

Members of the Auxiliary may purchase from the Coast Guard at actual cost such uniforms as may be authorized by the Secretary. Such uniforms may be worn by members of the Auxiliary under such circumstances and upon such occasions as may be authorized by the Commandant.

### § 5.63 Insignia.

Insignia, as authorized by the Secretary, may be purchased from the Coast Guard at actual cost and may be worn by members of the Auxiliary under such circumstances, at such places, and upon such occasions as may be prescribed by the Commandant.

### § 5.65 Medals.

The Commandant may make awards, including medals, to members of the Auxiliary.

### § 5.67 Penalties.

Section 892 of Title 14, U.S. Code, reads as follows:

> Whoever, without proper authority, flies from any building, aircraft, motorboat, yacht, or other vessel, any flag or pennant or displays any identifying insignia or wears any uniform or insignia of the Reserve or the Auxiliary shall be fined not more than $500.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

### § 5.69 Limitations of rights, privileges, and benefits.

Section 893 of Title 14, U.S. Code, reads as follows:

> Members of the Auxiliary and temporary members of the Reserve shall be entitled only to such rights, privileges, and benefits as are specifically set forth for them in this title or as may be specifically provided for them in any other Act of Congress. Any Act of Congress which grants rights, privileges, or benefits generally to military personnel, or among others, to personnel of the Coast Guard and the Coast Guard Reserve, without specifically granting such rights, privileges, or benefits to members of the Auxiliary or temporary members of the Reserve, shall not be deemed applicable to members of the Auxiliary or to temporary members of the Reserve.

[CGFR 59-58, 24 FR 10718, Dec. 25, 1959]

## PART 6—PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

### Subpart 6.01—Definitions

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Subpart 6.19—Responsibility for Security of Vessels and Waterfront Facilities

6.19-1 Primary responsibility.

AUTHORITY: 40 Stat. 220, as amended; 50 U.S.C. 191.

SOURCE: Executive Order 10173, 15 FR 7012, Oct. 20, 1950, unless otherwise noted.

CROSS REFERENCE: For regulations implementing the general enforcement provisions contained in Subparts 6.01—Definitions and 6.04—General Provisions, see Parts 125 and 127 of this chapter.

## Subpart 6.01—Definitions

### § 6.01-1 Commandant.

"Commandant" as used in this part, means the Commandant of the United States Coast Guard.

### § 6.01-2 District Commander.

"District Commander" as used in this part, means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

### § 6.01-3 Captain of the Port.

"Captain of the Port" as used in this part, means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within his assigned area. In addition, the District Commander shall be Captain of the Port with respect to remaining areas in his District not assigned to officers designated by the Commandant as Captain of the Port.

[E.O. 11249, 30 FR 13001, Oct. 13, 1965]

### § 6.01-4 Waterfront facility.

"Waterfront facility" as used in this part, means all piers, wharves, docks, and similar structures to which vessels may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures or contiguous to them and equipment and materials on such structures or in such buildings.

[E.O. 11249, 30 FR 13001, Oct. 13, 1965]

### § 6.01-5 Security zone.

"Security zone" as used in this part, means all areas of land, water, or land and water, which are so designated by the Captain of the Port for such time as he deems necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

[E.O. 11249, 30 FR 13001, Oct. 13, 1965]

## Subpart 6.04—General Provisions

### § 6.04-1 Enforcement.

(a) The rules and regulations in this part shall be enforced by the captain of the port under the supervision and general direction of the District Commander and the Commandant, and all authority and power vested in the captain of the port by the regulations in this part shall be deemed vested in and may be exercised by the District Commander and the Commandant.

(b) The rules and regulations in this part may be enforced by any other officer of the Coast Guard designated by the Commandant or the District Commander.

[E.O. 10173, 15 FR 7012, Oct. 20, 1950, as amended by E.O. 10277, 16 FR 7541, Aug. 2, 1951]

### § 6.04-5 Preventing access of persons, articles or things to vessels, or waterfront facilities.

The Captain of the Port may prevent any person, article, or thing from boarding or being taken or placed on board any vessel or entering or being taken into or upon or placed in or upon any waterfront facility whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any vessel, or waterfront facility or waters of the United States, or to secure the observances of rights and obligations of the United States.

[E.O. 11249, 30 FR 13001, Oct. 13, 1965]

**§ 6.04-6 Establishing security zones; prohibitions with respect thereto.**

The Captain of a Port may establish security zones subject to the terms and conditions specified in § 6.01-5. No person or vessel shall enter a security zone without the permission of the Captain of the Port. No person shall board or take or place any article or thing on board any vessel in a security zone without the permission of the Captain of the Port. No person shall take or place any article or thing upon any waterfront facility in any such zone without such permission.

[E.O. 11249, 30 FR 13001, Oct. 13, 1965]

**§ 6.04-7 Visitation, search, and removal.**

The Captain of the Port may cause to be inspected and searched at any time any vessel, waterfront facility, or security zone, or any person, article, or thing thereon or therein, within the jurisdiction of the United States, may place guards upon any such vessel, waterfront facility, or security zone and may remove therefrom any and all persons, articles, or things not specifically authorized by him to go or remain thereon or therein.

[E.O. 11249, 30 FR 13002, Oct. 13, 1965]

**§ 6.04-8 Possession and control of vessels.**

The captain of the port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the territorial waters of the United States under his jurisdiction, whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury, or to prevent damage or injury to any vessel or waterfront facility or waters of the United States, or to secure the observance of rights and obligations of the United States.

**§ 6.04-11 Assistance of other agencies.**

The captain of the port may enlist the aid and cooperation of Federal, State, county, municipal, and private agencies to assist in the enforcement of regulations issued pursuant to this part.

## Subpart 6.10—Identification and Exclusion of Persons From Vessels and Waterfront Facilities

**§ 6.10-1 Issuance of documents and employment of persons aboard vessels.**

No person shall be issued a document required for employment on a merchant vessel of the United States nor shall any person be employed on a merchant vessel of the United States unless the Commandant is satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would not be inimical to the security of the United States: *Provided*, That the Commandant may designate categories of merchant vessels to which the foregoing shall not apply.

[E.O. 10352, 17 FR 4624, May 21, 1952]

**§ 6.10-5 Access to vessels and waterfront facilities.**

Any person on board any vessel or any person seeking access to any vessel or any waterfront facility within the jurisdiction of the United States may be required to carry identification credentials issued by or otherwise satisfactory to the Commandant. The Commandant may define and designate those categories of vessels and areas of the waterfront wherein such credentials are required.

**§ 6.10-7 Identification credentials.**

The identification credential to be issued by the Commandant shall be known as the Coast Guard Port Security Card, and the form of such credential, and the conditions and the manner of its issuance shall be as prescribed by the Commandant after consultation with the Secretary of Labor. The Commandant shall not issue a Coast Guard Port Security Card unless he is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of such individual on board a vessel or within a waterfront facility would not be inimical to the security of the United States. The Commandant shall revoke and require the surrender of a Coast Guard Port Security Card when he is no longer satisfied that the holder is entitled thereto. The Commandant may recognize for the same purpose such other credentials as he may designate in lieu of the Coast Guard Port Security Card.

[E.O. 10277, 16 FR 7541, Aug. 2, 1951]

### § 6.10-9 Appeals.

Persons who are refused employment or who are refused the issuance of documents or who are required to surrender such documents, under this subpart, shall have the right of appeal, and the Commandant shall appoint Boards for acting on such appeals. Each such Board shall, so far as practicable, be composed of one Coast Guard officer, one member drawn from management, and one member drawn from labor. The members drawn from management and labor shall, upon suitable security clearance, be nominated by the Secretary of Labor. Such members shall be deemed to be employees of the United States and shall be entitled to compensation under the provisions of section 15 of the act of August 2, 1946 (5 U.S.C. 55a) while performing duties incident to such employment. The Board shall consider each appeal brought before it and, in recommending final action to the Commandant, shall insure the appellant all fairness consistent with the safeguarding of the national security.

## Subpart 6.12—Supervision and Control of Explosives or Other Dangerous Cargo

### § 6.12-1 General supervision and control

The Captain of the Port may supervise and control the transportation, handling, loading, discharging, stowage, or storage of hazardous materials on board vessels as covered by the regulations in 49 CFR Parts 170-189, 46 CFR Parts 150-156, 46 CFR Parts 146-148 and the regulations governing tank vessels (46 CFR Parts 30-39).

[CGD 77-228, 43 FR 53427, Nov. 16, 1978]

### § 6.12-3 Approval of facility for dangerous cargo.

The Commandant may designate waterfront facilities for the handling and storage of, and for vessel loading and discharging, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations referred to in § 6.12-1, and may require the owners, operators, masters, and others concerned to secure permits for such handling, storage, loading, and unloading from the captain of the port, conditioned upon the fulfillment of such requirements for the safeguarding of such waterfront facilities and vessels as the Commandant may prescribe.

## Subpart 6.14—Security of Waterfront Facilities and Vessels in Port

### § 6.14-1 Safety measures.

The Commandant, in order to achieve the purposes of this part, may prescribe such conditions and restrictions relating to the safety of waterfront facilities and vessels in port as he finds to be necessary under existing circumstances. Such conditions and restrictions may extend, but shall not be limited to, the inspection, operation, maintenance, guarding, and manning of, and fire-prevention measures for, such vessels and waterfront facilities.

[E.O. 10277, 16 FR 7541, Aug. 2, 1951]

### § 6.14-2 Condition of waterfront facility a danger to vessel.

Whenever the captain of the port finds that the mooring of any vessel to a wharf, dock, pier, or other waterfront structure would endanger such vessel, or any other vessel, or the harbor or any facility therein by reason of conditions existing on or about such wharf, dock, pier, or other waterfront structure, including, but not limited to, inadequate guard service, insufficient lighting, fire hazards, inadequate fire protection, unsafe machinery, internal disturbance, or unsatisfactory operation, the captain of the port may prevent the mooring of any vessel to such wharf, dock, pier, or other waterfront structure until the unsatisfactory condition or conditions so found are corrected, and he may, for the same reasons, after any vessel has been moored, compel the shifting of such vessel from any such wharf, dock, pier, or other waterfront structure.

[E.O. 10277, 16 FR 7541, Aug. 2, 1951]

### Subpart 6.16—Sabotage and Subversive Activity

**§ 6.16-1 Reporting of sabotage and subversive activity.**

Evidence of sabotage or subversive activity involving or endangering any vessel, harbor, port, or waterfront facility shall be reported immediately to the Federal Bureau of Investigation and to the captain of the port, or to their respective representatives.

**§ 6.16-3 Precautions against sabotage.**

The master, owner, agent, or operator of a vessel or waterfront facility shall take all necessary precautions to protect the vessel, waterfront facility, and cargo from sabotage.

### Subpart 6.18—Penalties

**§ 6.18-1 Violations.**

Section 2, Title II of the act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

> If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.
>
> (a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

### Subpart 6.19—Responsibility for Security of Vessels and Waterfront Facilities

**§ 6.19-1 Primary responsibility.**

Nothing contained in this part shall be construed as relieving the masters, owners, operators, and agents of vessels or other waterfront facilities from their primary responsibility for the protection and security of such vessels or waterfront facilities.

[E.O. 10277, 16 FR 7541, Aug. 2, 1951]

## PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

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AUTHORITY: Sec. 4, 62 Stat. 605, as amended; sec. 633, 63 Stat. 545; sec. 280, 70A Stat. 14; sec. 6(b)(1), 80 Stat. 938; 50 U.S.C. App. 454; 14 U.S.C. 633; 10 U.S.C. 280; 49 U.S.C. 1655(b)(1); 49 CFR 1.4 (a)(2), (f), (g).

## GENERAL—ADMINISTRATION AND ORGANIZATION

### DEFINITIONS AND APPLICABILITY OF REGULATIONS

### § 8.1001 Meaning and use of terms "District Commander" and "Coast Guard District Commander."

(a) The terms "District Commander" and "Coast Guard District Commander" shall be used in these regulations interchangeably. When the Coast Guard is operating as a service in the Department of Transportation, either term shall mean the Coast Guard officer in overall charge of a Coast Guard district. When the Coast Guard is operating as a service in the Navy, either term shall mean the Coast Guard officer in overall charge of Coast Guard activities within a Naval district.

(b) Normally, the term "District Commander" shall be used when the Coast Guard is operating as a service in the Department of Transportation.

(c) Normally, the term "Coast Guard District Commander" shall be used when the Coast Guard is operating as a service in the Navy.

[CGFR 58-12, 23 FR 7069, Sept. 12, 1958, as amended by CGFR 61-55, 26 FR 12571, Dec. 28, 1961; CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

### § 8.1002 Meaning of terms "Secretary of Transportation" and "Secretary".

As used in this part, the terms "Secretary of Transportation" and "Secretary" mean the Secretary of Transportation when the Coast Guard is operating as a service in the Department of Transportation and the Secretary of the Navy when the Coast Guard is operating as a service in the Navy.

[CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

### § 8.1003 Definitions.

(a) "Active service" means service on active duty.

(b) "Active duty" means full-time duty in the active military service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the Secretary.

(c) "Federal service" includes all service as a member of any Armed Force, including Regular and Reserve components, and the Army National Guard or Air National Guard when ordered into such status by law.

(d) "Active status" means membership in the Reserve, except the Standby Reserve (Inactive Status List) or the Retired Reserve.

(e) "Chief, Office of Reserve" is the officer of flag rank designated by the Secretary as directly responsible to the Commandant for Coast Guard Reserve affairs.

(f) "District Commander(s)" is the officer on the staff of a District Commander who is in charge of district Reserve affairs as Chief, Reserve Division.

[CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

### § 8.1004 [Reserved]

### § 8.1005 Applicability of regulations to temporary members of the Reserve.

Unless temporary members of the Coast Guard Reserve are specifically included within its provisions, no section of this part shall be deemed to apply to them.

[CGFR 58-12, 23 FR 7069, Sept. 12, 1958]

**§ 8.1006 Applicability of regulations to women members of the Reserve.**

Except as otherwise provided, the regulations in this part apply equally to men and women Reservists.

[CGFR 58-12, 23 FR 7069, Sept. 12, 1958]

POLICY

**§ 8.1101 Purpose of Coast Guard Reserve.**

The purpose of the Coast Guard Reserve is to provide a trained force of officers and men which, added to the regular personnel of the Coast Guard, will be adequate to enable the Service to perform such extraordinary duties as may be necessitated by emergency conditions.

[6 FR 1926, Apr. 15, 1941]

**§ 8.1103 General policies.**

General policies relating to the size, organization, administration, training, and mobilization of the Reserve, before being adopted, will be determined by the Commandant.

[6 FR 1926, Apr. 15, 1941]

**§ 8.1104 Coast Guard Reserve policy board.**

(a) For the purpose of advising the Commandant on the formulation of Reserve policies there shall be convened annually at Headquarters a Coast Guard Reserve policy board consisting of seven officers, at least four of whom shall be Reserve officers. No Reserve officer shall serve on this board for more than 2 consecutive years.

(b) The Commandant will determine the date on which the above board shall be convened during any fiscal year, designate its members and make other necessary arrangements with relation thereto.

[6 FR 1926, Apr. 15, 1941]

**§ 8.1105 Ranks, grades, and ratings allowed.**

There shall be allowed in the Reserve the various ranks, grades, and ratings, including cadets, corresponding to those in the Regular Coast Guard, except that the highest rank in the Reserve is that of Rear Admiral. No original appointment may be made to a rank above that of lieutenant commander.

[CGFR 58-12, 23 FR 7069, Sept. 12, 1958, as amended by CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

**§ 8.1106 Organization of the Reserve.**

The Coast Guard Reserve shall be composed of the following categories:

(a) *Ready Reserve.* The Ready Reserve shall be composed of units or members, or both, who are liable for active duty either in time of war, in time of national emergency declared by the Congress or proclaimed by the President, or when otherwise authorized by law. The Commandant shall designate which training units of the Coast Guard Reserve are units of the Ready Reserve.

(b) *Standby Reserve.* (1) The Standby Reserve shall be composed of units or members, or both, who are liable for active duty only in time of war or national emergency declared by the Congress, or when otherwise authorized by law.

(2) Within the Standby Reserve, an officer and enlisted Inactive Status List shall be maintained upon which shall appear the names of those members whom the Commandant has transferred thereto in accordance with the regulations contained in this part.

(c) *Retired Reserve.* (1) The Retired Reserve shall be composed of those members whose names are placed on reserve retired lists established pursuant to the act of July 9, 1952 (66 Stat. 481 which lists are hereby established and are in addition to all other Coast Guard Reserve retired lists heretofore established.

(2) The Reserve Retired List as established on January 25, 1949, shall contain the names of Reserve officers and enlisted personnel retired with pay under applicable authority.

[CGFR 50-18, 15 FR 6016, Sept. 7, 1950, as amended by CGFR 53-28, 18 FR 3618, June 24, 1953; CGFR 56-22, 21 FR 4049, June 13, 1956]

**§ 8.1107 Powers and duties of Reservists.**

Reservists, including temporary members of the Reserve, while engaged on active duty as set forth in

Title 14, U.S. Code section 754, are vested with the same power, authority, rights, and privileges in the execution of their duties as members of the Regular Coast Guard of corresponding grades or ratings.

[CGFR 58-12, 23 FR 7069, Sept. 12, 1958]

### § 8.1109 Strength of the Reserve.

The authorized strength of the Reserve, exclusive of the Retired Reserve, defined in § 8.1106, and exclusive of those officers of the Reserve whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the U.S. Coast Guard, shall be such number of officers and enlisted personnel as the Commandant determines is required to meet the base mobilization requirements of the Coast Guard. The officers so authorized shall be distributed in the various grades in approximately the same proportion as that in use for the active categories of the U. S. Naval Reserve. Within each grade the number of officers in each of the various fields of qualification shall be in conformance with the Commandant's determinations of the base mobilization requirements of the Coast Guard for officers having such qualifications. Enlisted personnel shall be distributed in the various authorized ratings and pay grades in such manner as the Commandant determines is required to meet the base mobilization requirements of the Coast Guard.

[CGFR 51-31, 16 FR 7769, Aug. 8, 1951]

### § 8.1110 Composition of boards.

(a) *Reserve membership.* All boards convened for the appointment, promotion, demotion, involuntary release from active duty, discharge, or retirement of members of the Coast Guard Reserve shall include in the membership appropriate numbers of Coast Guard Reservists as follows:

(1) If the board is considering both Regular and Reserve personnel, the membership shall include Reserve representation in a number substantially equal to the proportion that Reserve personnel under consideration bears to the total of the Regular and Reserve personnel being considered by the board, if practicable.

(2) If the board is considering Reserve personnel only, the membership shall include at least 50 per centum of Reserve members, if practicable. This requirement shall be deemed to be fulfilled in any case wherein a board includes medical officers of the U. S. Public Health Service if Coast Guard Reserve membership is equal to Coast Guard Regular membership.

(3) If deemed impracticable by the convening authority to provide for Reserve membership as prescribed in paragraphs (a) (1) and (2) of this section due to the unavailability of qualified Reservists, Reserve membership may, with the approval of the Commandant, be reduced.

(b) *Seniority.* The members of all boards convened for selection for promotion, or for the discharge or demotion of members of the Coast Guard Reserve shall be senior to the members under consideration, except that a member of a board serving in a legal advisory capacity may be junior to any person, other than a law specialist being considered, and that a member of a board serving in a medical advisory capacity may be junior to any person, other than a medical officer being considered.

[CGFR 56-40, 22 FR 238, Jan. 11, 1957]

## ADMINISTRATION

### § 8.1201 Administration while performing active duty.

Reservists, except as otherwise provided in this part, while performing active or training duty with or without pay, will be governed in the same manner in all respects as are officers and men of the Coast Guard.

[6 FR 1925, Apr. 15, 1941, as amended at 7 FR 4766, June 26, 1942]

### § 8.1202 Administration while on inactive duty.

(a) While on inactive duty, Reservists will be governed in the manner prescribed by the regulations in this part.

(b) Unless otherwise directed by the Commandant, Reservists are under the jurisdiction of the District Commander of the district in which they maintain their official residences.

[6 FR 1926, Apr. 15, 1941, as amended by CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

### § 8.1203 Administrative duties of District Commander.

The District Commanders of the several Coast Guard districts under the supervision of the Commandant are charged with the procurement, administration, training, and readiness for emergent service of the Reservists under their jurisdiction and for the maintenance, operation and repair of material assigned for the purpose of their training. For the purpose of this section, the District of Columbia is under the jurisdiction of the District Commander of the Fifth District. To assist him in these duties, the District Commander may appoint officers of the Reserve, including those in both active and inactive duty status to duty on his staff, but may not place any Reserve officer on active duty for this purpose. Such officers will be considered as in the same status as other officers of the District Commander's staff but need not necessarily reside in the vicinity of the district office.

[6 FR 1926, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 61-55, 26 FR 12571, Dec. 28, 1961; CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

### § 8.1204 Administrative duties of the Chief, Officer of Reserve.

(a) Under the supervision and direction of the Commandant, the flag officer serving as the Chief, Officer of Reserve is charged with the procurement, education, training, discipline, and distribution of Reservists and with their administration and mobilization. Accordingly, the principal duties of the Chief, Officer of Reserve may be enumerated as follows:

(1) Determines the number of officers and men to be maintained from year to year in the Reserve to meet the needs of the Coast Guard and their distribution among the various Coast Guard districts for purposes of procurement, administration, and training, within appropriations available for these purposes.

(2) Prescribes the instruction, training and other activities of Reservists both ashore and afloat.

(3) Supervises the appointment and reappointment of officers and the enlistments and reenlistments of men in the Reserve.

(4) Supervises the discharges and retirements.

(5) Supervises the promotion of Reservists.

(6) Supervises the ordering of Reservists to and from active or training duty.

(7) Keeps the individual records of Reservists.

(8) Maintains statistics and records of the training activities of the Reservists.

(9) Determines the amount of money required from year to year for the Reserve and prepares and presents the budget therefor.

(10) Carries out insofar as permitted by the funds and personnel available, the policies relating to the Reserve, and apportions the funds and distributes the personnel accordingly.

[6 FR 1926, Apr. 15, 1941, as amended by CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

## PRECEDENCE

SOURCE: Sections 8.1301 to 8.1305, CGFR 51-31, 16 FR 7769, Aug. 8, 1951, unless otherwise noted.

### § 8.1301 Precedence between officers of the Reserve.

Officers of the Reserve, exclusive of those whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the United States Coast Guard, shall have rank and take precedence in their respective grades and among themselves in the order in which listed in the Register of the Commissioned and Warrant Officers of the United States Coast Guard Reserve. Officers of the Reserve shall be listed in such register in each grade according to the date of rank therein (as used in the regulations in this part, "date of rank" shall mean the date so assigned in the commission or warrant or amending letter thereto). When two or more reserve officers have the same date of rank in a grade, such officers, among themselves, shall be listed in an assigned order of precedence as approved by the Secretary of the Treasury.

### § 8.1302 Precedence between officers of the Reserve and officers of the Coast Guard.

An officer of the Reserve shall, while performing active duty have rank and take precedence with officers of the Coast Guard of the same grade in accordance with their respective dates of rank in that grade. When an officer of the Coast Guard and an officer of the Reserve have the same date of rank in their current grade, their respective dates of rank in successively lower commissioned or warrant grades shall be compared to determine the highest such grade in which they held different dates of rank and the officer having the earliest of such dates shall be the senior. If there be no such grade in which both have served with different dates of rank then the following shall apply: (a) When the original appointments of both were in the same grade with identical dates of rank, the officer of the Coast Guard shall be senior, or, (b) when one was promoted from a lower to a higher grade and the other originally appointed in the higher grade, the officer so promoted shall be senior, or, (c) if both were promoted to a higher grade from different lower grades, the officer promoted from the higher ranking of such lower grades shall be the senior. Exceptions to the above rules for establishing seniority between officers having the same date of rank may be made in individual cases by the Secretary when he deems it necessary in order to avoid inconsistencies.

### § 8.1303 Determination of running mate.

Each officer of the Reserve shall have a running mate who shall be the officer of the Coast Guard of the same grade, exclusive of extra numbers, who is next senior to him in precedence as determined in the manner prescribed in § 8.1302 unless there be none, in which case the running mate shall be the senior such officer of the Coast Guard in that grade.

### § 8.1304 Redetermination of running mate.

New running mates shall be determined at times and in manner as follows:

(a) If a running mate is retired, dies, or otherwise is separated from the service, suffers loss of numbers, fails to qualify for promotion, or receives an out of line promotion, the new running mate shall be the officer of the Coast Guard of the same grade who was next senior to the old running mate, excluding extra numbers, or if there be none then the most senior such officer in the grade.

(b) If an officer of the Reserve suffers loss of numbers, the new running mate shall be the officer who is the running mate of the reserve officer who will be next senior to the officer concerned after the loss of numbers has been effected.

(c) If an officer of the Reserve fails to qualify for promotion when his running mate is promoted, the new running mate shall be the senior officer of the Coast Guard remaining in that grade, exclusive of extra numbers, who has not failed to qualify for promotion.

### § 8.1305 Date of rank of former officers of the Navy or Coast Guard appointed in the Reserve.

Former officers of the Navy or Coast Guard who are appointed in the Reserve in the same grades or ranks held in the Regular Navy or Coast Guard as a result of application therefor, made within one year from date of resignation from Navy or Coast Guard, shall be given the same date of rank as that held by them in the Navy or Coast Guard.

## PHYSICAL EXAMINATIONS AND STANDARDS

### § 8.1401 Physical standards.

The physical standards for appointment, enlistment, reappointment, reenlistment, promotion and retention of members of the Coast Guard Reserve shall be as set forth in the Coast Guard Medical Manual.

[CGFR 56-23, 21 FR 6020, Aug. 11, 1956]

### § 8.1402 Waiver of physical defects.

(a) Physical defects not considered to be sufficiently serious to interfere with the performance of general or special duties to which a Reservist or an applicant for membership in the Reserve is likely to be assigned may be waived by the Commandant. Once such defects have been waived either prior or subsequent to the effective date of this amendment, additional waivers shall not be required for the same defects provided that the degree thereof has not materially increased, and if a Reservist is otherwise physically qualified, such defects shall not prevent him from being reenlisted or promoted.

(b) In determining the physical qualifications of a Reservist or an applicant for membership in the Reserve, due consideration shall be given to an individual's age, prior military service, educational background, civilian occupational skill, and the character of the duty to which the member may be assigned in the event he should be ordered to active duty pursuant to law.

(c) A Reservist or applicant for membership in the Reserve who has been found not physically qualified may submit a request for waiver of physical defects to the Commandant via official channels. In each such case, the District Commander shall make recommendations in the premises.

(d) A Reservist who is granted a waiver under this section may be placed in a limited duty status category in the discretion of the Commandant.

[CGFR 53-38, 18 FR 8579, Dec. 19, 1953]

### § 8.1403 Persons authorized to conduct physical examinations.

(a) Physical examinations of Reservists and of applicants for appointment, enlistment, or reenlistment shall, if practicable, be conducted by at least two medical officers of the U.S. Public Health Service. If impracticable to assemble such examining officers, physical examinations shall be conducted by one medical officer of the U.S. Public Health Service. If such a medical officer is unavailable, physical examinations may be conducted by one medical officer of any component of the Armed Forces. In special cases, physical examinations may be conducted by a reputable civilian physician provided that, unless otherwise authorized, no expense to the government is incurred.

(b) When a medical officer of the U.S. Public Health Service or a medical officer of a component of the Armed Forces is not reasonably available, the modified physical examination authorized in § 8.1407(b) may be conducted by a rated hospital corpsman who has been certified as qualified to conduct such examinations by a U.S. Public Health Service or Armed Forces medical officer.

(c) A Reservist whose duties involve flying shall be given a flight physical examination in accordance with the instructions and requirements contained in Chapter 3, Coast Guard Medical Manual.

(d) All reports of physical examinations of Reservists shall be reviewed by the Chief Medical Officer, together with the medical history of the Reservist on file at Headquarters.

[CGFR 53-38, 18 FR 8580, Dec. 19, 1953, as amended by CGFR 56-23, 21 FR 6020, Aug. 11, 1956; 22 FR 238, Jan. 11, 1957; CGFR 64-74, 30 FR 4415, Apr. 6, 1965]

### § 8.1404 Physical examination for short periods of training duty.

(a) Notwithstanding any other provision of this part, a Reservist who is ordered or authrorized to perform short periods of active duty, active duty for training or inactive duty training, with or without pay, or not more than seven days duration will establish physical qualifications incident thereto in one of the following manners:

(1) If the member indicates he has suffered injury, sickness, or disease since his last military physical examination, a physical examination complete in every respect shall be accomplished.

(2) If the member has not satisfactorily passed a military physical examination within one year, a physical examination pursuant to § 8.1407(b) shall be accomplished.

(3) If the member has satisfactorily passed a military physical examination within one year and provided his

certificate of physical condition indicates a satisfactory medical history, no physical examination will be required.

(b) Physical examination will not be required upon completion of such a period of training duty except when injury, sickness, or disease is incurred incident thereto. In such cases, a physical examination complete in every respect is required and appropriate entries shall be made in the health record and orders and required reports will be submitted.

[CGFR 56-23, 21 FR 6020, Aug. 11, 1956]

### § 8.1405 Persons required to take physical examinations.

(a) All applicants for appointment or enlistment in the Reserve are required to take a physical examination prior to becoming a member thereof and must be found physically qualified or must have physical defects waived.

(b) All Reservists are required to take a physical examination at the times specified in § 8.1406.

[CGFR 53-38, 18 FR 8580, Dec. 19, 1953]

### § 8.1406 When physical examinations are required.

(a) Except for members of the Retired Reserve and members whose names are carried on a retired list, all Reservists not on active duty shall be required to take a physical examination only at the following times:

(1) *Quadrennially.* At least once during each 4 year period, a physical examination must be accomplished. Such 4 year period shall be considered as having commenced on the day following the date upon which the last complete physical examination was conducted. District Commanders will ascertain when Reservists under their jurisdiction will become due for quadrennial physical examination. They will notify Reservists concerned at least 60 days in advance of the dates on which they will become due for such examination.

(2) *Upon notification of promotion.* This subparagraph applies only to Reserve officers not on active duty and in accordance with the following:

(i) Upon appointment to a higher grade for temporary service.

(ii) Upon permanent appointment to a grade higher than that in which serving.

(iii) In the case of a permanent appointment in a grade in which the Reserve officer is already serving for temporary service, the Commandant may waive physical examination and require instead submission of a certificate of physical condition.

(3) *Prior to or upon reporting for active duty in excess of 7 days.* This physical examination will not be accomplished prior to 30 days in advance of the reporting date.

(4) *Upon release from active duty in excess of 7 days.*

(5) *Upon reenlistment or extension of enlistment.* The District Commander concerned may waive this requirement. However, in such cases, a physical examination shall be accomplished as soon after reenlistment or extension of enlistment as is practicable and in any event must be accomplished within the 4 year period prescribed in paragraph (a)(1) of this section.

(6) *Annually or biannually for pilots.* A Reserve pilot authorized to perform duty involving actual control of aircraft shall have satisfactorily passed a flight physical examination within 12 months immediately preceding the actual control of aircraft if he is a member of an organized unit under the jurisdiction of the Chief of Naval Air Reserve Training, or is a member of an organized unit training at a Coast Guard Air Station; otherwise the interval between flight physical examinations shall be 6 months.

(7) When indicated under § 8.1404.

(8) *Upon special notification.* Special examinations and examinations by boards of medical survey may be ordered by the Commandant as required or at the request of a Reservist to determine his physical fitness.

(b) Reservists on active duty shall undergo physical examinations in accordance with requirements for personnel of the Regular Coast Guard as set forth in the Coast Guard Medical Manual.

[CGFR 53-38, 18 FR 8580, Dec. 19, 1953, as amended by CGFR 56-23, 21 FR 6021, Aug. 11, 1956]

**§ 8.1407 Completeness of physical examinations.**

(a) Except as provided in paragraph (b) of this section, all physical examinations of Reservists shall be complete in every respect and required reports shall be submitted to the Commandant.

(b) Physical examinations pursuant to § 8.1404(a)(2) and, if the period of duty is not in excess of 30 days, pursuant to § 8.1406(a) (3) and (4) will be conducted as follows:

(1) The physical examination need only be sufficiently complete for the medical examiner to determine whether or not the Reservist is qualified to perform duties assigned and is free from infectious or contagious disease. Each Reservist so examined shall be required to execute a certificate of physical condition indicating a satisfactory medical history since the last military physical examination. The result of this examination shall be entered upon the Reservist's orders and in his health record if he is found to be physically qualified. The certificate of physical condition and the result of the examination may be entered upon the same report using such forms as the Commandant may require.

(2) If the Reservist is found not physically qualified, or if injury, sickness, or disease was incurred while performing active duty or during the interval since his preceding military physical examination, or if a quadrennial examination will become due within one year, a physical examination complete in every respect shall be accomplished and required reports shall be submitted.

(c) A Reservist whose duties involve flying shall be given a physical examination commensurate with the type of flying duties to be performed.

[CGFR 53-38, 18 FR 8580, Dec. 19, 1953, as amended by CGFR 56-23, 21 FR 6021, Aug. 11, 1956]

**§ 8.1408 Certificate of physical condition.**

Except for members of the Retired Reserve and members whose names are carried on a retired list, each Reservist not on active duty is required to submit a certificate of physical condition annually in such form and at such time as the Commandant shall determine.

[CGFR 53-38, 18 FR 8580, Dec. 19, 1953]

**§ 8.1409 Reports and records of physical examinations.**

(a) The results of every complete physical examination shall be entered in the individual's health record and will become a part of his medical history.

(b) Except as provided for in § 8.1407(b), the results of every physical examination shall be reported to the Commandant on such forms and in such manner as he may require.

(c) A report of physical examination for appointment or enlistment shall accompany each candidate's application.

[CGFR 53-38, 18 FR 8580, Dec. 19, 1953]

**§ 8.1410 Disposition of Reservists not found physically qualified.**

(a) If, as a result of any physical examination, a Reservist is found not physically qualified and if the defects can be corrected by medical treatment, such Reservist shall be afforded a reasonable length of time, not above one year, in which to have the defects satisfactorily corrected. During the period granted for correction of such defects, the Commandant may restrict such Reservist from engaging in such training activities as he may deem to be in the best interest of the service.

(b) If, as a result of any physical examination, a Reservist is found not physically qualified and if the defects cannot be corrected by medical treatment and are not waived, or if, being correctible, the defects are not corrected within the time allowed, such Reservist shall be afforded an opportunity to request transfer to the Retired Reserve or a retired list, if qualified. If he is found to be qualified and he elects transfer to the Retired Reserve or a retired list, he shall be so transferred. If he is not so transferred, the Commandant may institute proceedings to effect discharge.

(c) The report of physical examination in cases under paragraphs (a) and (b) of this section shall be accompanied by recommendation of the District Commander.

(d) Notwithstanding any other provisions of the regulations in this part, a Reserve officer who has been or may hereafter be honorably discharged solely by reason of being found not physically qualified for active service and whose physical condition did not result from his own misconduct may be reappointed within one year from the date of discharge in the same rank or grade in which discharged and with the same date of rank as that previously held provided that the defects which disqualified such officer have been corrected satisfactorily or waived by the Commandant.

[CGFR 53-38, 18 FR 5850, Dec. 19, 1953]

### § 8.1411 Failure to appear for physical examination or to submit information concerning physical condition.

(a) Except as provided in paragraph (b) of this section, failure of Reservists to appear for a physical examination or failure to submit information concerning their physical condition when required may result, in the discretion of the Commandant, in the institution of proceedings to effect discharge.

(b) A Reservist having an unfulfilled service obligation pursuant to section 4(d)(1) or 4(d)(3) of the Universal Military Training and Service Act, as amended, and who fails to appear for a physical examination or who fails to submit needed information concerning his physical condition when required, after every reasonable attempt has been made to accomplish the same, may be involuntarily ordered to active duty or active duty for training by the Commandant pursuant to section 233(c) of the act of July 9, 1952 (66 Stat. 490) during which tour of duty a physical examination shall be accomplished or the needed information secured.

[CGFR 53-38, 18 FR 8581, Dec. 19, 1953]

### § 8.1412 Immunization.

When directed by the Commandant, Reservists shall be immunized against certain diseases in accordance with established practices of the Regular Coast Guard except as may be necessary to adapt the same to the Reserve.

[CGFR 53-38, 18 FR 8581, Dec. 19, 1953]

### § 8.1413 Temporary members of the Reserve.

The provisions of §§ 8.1401 to 8.1413, inclusive, shall not apply to temporary members of the Reserve. The physical examinations and standards for such members shall be as prescribed by the Commandant.

[CGFR 53-38, 18 FR 8581, Dec. 19, 1953]

## ORDERS TO ACTIVE AND TRAINING DUTY

### § 8.1501 Individual orders to officers for training duty.

(a) Where no flight duty is involved, orders to officers for training duty with pay and allowances, including mileage, may be issued by District Commanders within the training quotas prescribed by Headquarters. Orders to training duty involving flying with pay will be issued by Headquarters.

(b) Orders to perform training duty without pay or allowances including duty involving flying for officers holding designations as Coast Guard aviators, or letters of authority to solo Coast Guard aircraft may be issued by District Commanders, or under their direction by the commanding officer of the vessel or aviation base at which the duty is to be performed or by the senior officer present of any Coast Guard force.

(c) Orders to perform repeated periods of training duty between specified dates without pay or allowances including duty involving flying for officers holding designations as Coast Guard aviators or letters of authority to solo Coast Guard aircraft may be issued by District Commanders. Such orders shall require that the dates of reporting for and detachment from each period of training duty be indicated by an indorsement.

(d) Upon completion of the period or periods of training duty, with or without pay, as covered in the orders, a copy of such orders with all indorsements shall be forwarded to Headquarters via the District Commander. Such indorsements shall include among other things a statement of the nature of the duty performed.

[6 FR 1928, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

### § 8.1502 Individual orders to enlisted men for training duty.

(a) Orders to enlisted men for training duty with pay and allowances, including transportation to and from such duty, may be issued by District Commanders within the training quotas prescribed by Headquarters.

(b) Orders to perform training duty without pay or allowances may be issued by District Commanders or under their direction, by the commanding officer of the vessel or aviation base at which the duty is to be performed, or by the senior officer present of any Coast Guard force.

(c) Orders to perform repeated periods of training duty between specified dates without pay or allowances may be issued by District Commanders. Such orders shall require that the dates of reporting for and detachment from each period of training duty be indicated by indorsement.

(d) Upon completion of the period or periods of training duty as covered in the orders, a copy of such orders with all indorsements shall be forwarded to Headquarters via the District Commander. Such indorsements shall include among other things a statement of the nature of the duty performed.

[6 FR 1928, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

### § 8.1503 Active or training duty in time of peace.

(a) Except in time of war or during a national emergency declared by the President to exist no Reservist shall be ordered to or continued on active duty without his own consent except for disciplinary purposes.

(b) The Commandant may release any Reservist from active duty, or training duty, at any time. Reservists shall be released therefrom on the date stated in their orders or at such time prior thereto as they may request. Their release from such duty shall be accomplished by the agency issuing the orders thereto.

[6 FR 1928, Apr. 15, 1941]

### § 8.1504 Orders to officers and men to active duty in time of peace.

(a) Orders to Reserve officers who are to be placed on active duty other than training duty during time of peace will be issued by the Commandant.

(b) Orders to enlisted men who are to be placed on active duty other than training duty during time of peace will be issued by the District Commanders of the district to which attached in accordance with quotas for such duty authorized by the Commandant.

(c) When so ordered to active duty, officers and men will devote their whole time to the duty to which ordered.

[6 FR 1928, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

### § 8.1505 Orders to Reservists to active duty in time of war or during any period of national emergency.

(a) Any Reservist may be ordered to active duty by the Commandant in time of war or when the President declares a national emergency to exist, and may be required to perform active duty throughout the war, or until the President declares that such national emergency no longer exists.

(b) Orders to Reservists for the performance of the above duty will be issued by Headquarters or under Headquarters' instructions by District Commanders.

[6 FR 1928, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

### § 8.1506 Release of Reservists from active duty in time of war or during any period of national emergency.

Reservists performing active duty in time of war or during any period of national emergency shall be released therefrom in accordance with Headquarters' instructions.

[6 FR 1928, Apr. 15, 1941]

### § 8.1507 [Reserved]

### § 8.1508 Procedure when found physically disqualified for active or training duty.

(a) Except as indicated in paragraph (b) of this section, the orders to active or training duty will be considered as revoked in the event the recipient thereof should be found physically disqualified for the duty indicated therein, unless a waiver of such disabilities is authorized by the Commandant.

(b) In the event the recipient of the orders has been extended a prior waiver of physical defects, in accordance with § 8.1402(a), the orders to active or training duty shall so state and shall indicate the disabilities for which the waiver was granted. If the disabilities at time of reporting for duty are essentially the same as to character and degree, the prior waiver will continue to be effective, insofar as the execution of the orders is concerned. If the disabilities at time of reporting for duty have increased as to character or degree, the uncompleted portion of the orders to active or training duty will be considered as revoked, unless a further waiver is authorized by the Commandant.

[6 FR 1929, Apr. 15, 1941, as amended by CGFR 69-80, 34 FR 18034, Nov. 7, 1969]

### ADDRESSES, OFFICIAL RESIDENCES, RECORDS, CORRESPONDENCE AND REPORTS

### § 8.1602 Official residence.

(a) Official residence of a Reservist on inactive duty is defined as the place where Headquarters may at any time send a letter or telegram and expect prompt delivery to the addressee.

(b) When first appointed or enlisted, Reservists shall inform Headquarters, via their District Commanders, of the names and official residences of their next of kin. They should also report in a similar manner any subsequent changes in name or residence of next of kin.

(c) Change of official residence of a Reservist, to a place outside the territorial limits of the United States shall not be made without prior authority from Headquarters.

(d) A Reservist shall immediately report any change of official residence to Headquarters via the District Commander in which his records are carried.

(e) The form below should be followed:

From: Lt. John H. JONES (00000), USCGR
To: Commandant (CR)
Via: Commander (dcr) ——————————
Coast Guard District.
Subject: Change of official residence.
Reference: (a) Regulations, United States Coast Guard Reserve.

1. In compliance with reference (a), I request that my address be changed:

From 501 West 113th Street, New York, N. Y.

To: The Westminster, 17th & Que Sts., Washington, D.C.

(S) JOHN H. JONES.

(f) When the change of official residence reaches the District Commander's office, the district records shall be corrected and any transfer of records necessitated thereby effected. The letter transmitting the records should state the new address of the Reservist.

[6 FR 1929, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 61-55, 26 FR 12571, Dec. 28, 1961]

### § 8.1603 Permission to leave the United States.

(a) Except as provided for in this section, all Reserve personnel serving on inactive duty are required to obtain permission of the Commandant to travel or reside beyond the United States, its territories and possessions.

(b) Permission is not required:

(1) To visit Canada, Cuba, Bermuda, or Mexico, as a tourist for short periods of one month or less. While in such countries, the uniform will not be worn unless specific approval is obtained in advance from the Commandant.

(2) To travel beyond the limits of the United States, its territories and possessions, while employed on U.S. merchant vessels or on American owned vessels under friendly foreign registry or by commercial airlines of the United States. Reservists so employed shall keep the Commandant and the district commander advised of their employment and official residences.

(c) Reserve personnel serving on active duty will be governed by the same regulations as apply to personnel of the Regular Coast Guard.

[CGFR 53-63, 19 FR 4319, July 14, 1954]

§ 8.1604 [Reserved]

**§ 8.1605 Service records enlisted men; preparation of, entries in, and disposition of.**

(a) The entries indicated in §§ 8.1601-8.1615 shall be made in the service record, Treasury Department Form 2500-C.

(b) The service record of enlisted men on inactive duty shall be signed by the District Commander, or an officer designated by him, semi-annually, and upon transfer, discharge, desertion, or death.

(c) Service records shall be stamped on the back cover with the following words: In case of death, discharge, desertion, or release from active service, this record shall be returned at once to the District Commander, ———— Coast Guard District. Except as provided in § 8.1606, the service record will be retained in the files of the district until the man's discharge or death, at which time it will be closed out and forwarded to Headquarters.

(d) There shall be entered in the service record all periods of active duty, training duty (with or without pay) in addition to the other data required.

[6 FR 1929, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 61-55, 26 FR 12571, Dec. 28, 1961]

**§ 8.1606 Custody of records.**

(a) Officers' records shall be maintained by the District Commanders and by Headquarters. Service records and health records of men shall be maintained by the District Commanders.

(b) In case a Reservist changes his official residence from one district to another, his records and all other papers shall be forwarded to the District Commander to which he has transferred, together with a report of his address in that district.

(c) When a Reservist is granted permission to leave the United States or its possessions for an indefinite length of time, his records shall be forwarded to Headquarters.

(d) When a Reservist enters upon active duty or training duty, his record maintained by the District Commander shall accompany him. When transferred, his record shall accompany him, and upon release from active duty it shall be returned to the District Commander of the district in which he has official residence. Upon discharge, desertion, or death, it shall be forwarded to Headquarters by District Commanders.

[6 FR 1929, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

**§ 8.1607 Fitness reports.**

(a) Fitness reports are required on all officers except those on the Inactive Status List or on any Reserve Retired List.

(b) Fitness reports shall be submitted by officers to be reported on and shall be completed and forwarded to the Commandant by reporting seniors at the following times:

(1) For all officers serving on active duty for more than 30 days, at the times required for officers of the Regular Coast Guard.

(2) For all officers not serving on active duty, on 30 June of each year.

(3) For all officers serving on active duty for training for 30 days or less, upon completion of such duty.

(4) For all officers, at such other times as the Commandant may require.

(c) Designation of reporting seniors, preparation, and submission of reports, including use of appropriate forms, shall be in accordance with instructions issued by the Commandant.

(d) Recommendations for discharge, transfer, retirement, and other similar action will not be included in the comments contained in fitness reports. Such recommendations shall be made the subject of separate correspondence.

[CGFR 58-12, 23 FR 7069, Sept. 12, 1958]

## AVIATION

**§ 8.1612 Coast Guard aviator designations.**

Aviation designations of Reservists shall be made by the Commandant. A commissioned, chief warrant, or warrant officer who has satisfactorily qualified may be designated a student Coast Guard aviator, a Coast Guard aviator, a student Coast Guard aviation observer, or a Coast Guard aviation observer. An enlisted person may be designated a student Coast Guard aviation pilot or a Coast Guard aviation pilot. The Commandant will issue the Reservists concerned a certificate of designation.

[9 FR 2569, Mar. 7, 1944, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

### § 8.1612a Coast Guard student aviation pilots.

An enlisted member of the Coast Guard Reserve may be designated as a Coast Guard student aviation pilot only if he has made application for flight training leading to designation as aviation pilot and if the Commandant finds that he is physically and psychologically qualified for flight training, that he has been recommended for such flight training by his commanding officer, and that he has complied with such other supplementary requirements as the Chief, Office of Personnel may make for the good of the service.

[9 FR 2569, Mar. 7, 1944, as amended by CGFR 61-55, 26 FR 12571, Dec. 28, 1961]

### § 8.1612b Coast Guard aviation pilots.

To be designated as a Coast Guard aviation pilot, a Coast Guard student aviation pilot must successfully complete the prescribed flight training for student aviation pilots.

[9 FR 2569, Mar. 7, 1944]

### § 8.1612c Confirmation of previous designations.

Any designation as Coast Guard student aviation pilot or as Coast Guard aviation pilot issued by the Commandant to an enlisted Reservist on or after 5 November, 1941, is hereby confirmed and all such designations are adopted under this part for all purposes and shall be effective as of the date specified thereon.

[9 FR 2569, Mar. 7, 1944, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

### § 8.1613 Letter of authority to solo Coast Guard aircraft.

(a) Headquarters will consider requests for letters of authority to solo Coast Guard aircraft from those Reservists who are competent pilots holding effective pilot certificates under the Federal Aviation Agency, or who are designated and currently qualified as Coast Guard aviators. Each request will be considered separately and upon its own merits, but in general only those will be approved in which it clearly appears that a definite advantage will thereby accrue to the Government. Requests should be forwarded to the Commandant and District Commanders in their forwarding indorsements will set forth specifically and in detail the benefits which will accrue to the Government in each case. As an example, requests may reasonably be received from officers who are engaged in engineering work pertinent to the aviation industry who are actively associated with a Coast Guard aviation or Reserve activity. Applicants must be physically and otherwise qualified to act as pilots of Coast Guard aircraft.

(b) Request for letters of authority should be accompanied by:

(1) Applicant's statements of certified pilot time, total and for previous six months. Commanding officers of aviation activity at which flights are expected to be made should examine applicant's flight log book and certify to correctness of statements.

(2) General résumé of flying experience.

(3) Report of aviation physical examination on Form N.M.S. Aviation No. 1.

(4) Report of commanding officer of aviation activity at which flights are expected to be performed, giving result of check flight.

(5) Statement of District Commander or commanding officer setting forth in detail the candidate's special qualifications, his activity and interest in the Coast Guard or Reserve, and the advantages which are expected to accrue to the Government if his request is approved.

(c) Such authorization when issued will be effective only until the close of the fiscal year in which issued. Under them, flights will be restricted to local familiarization or utility flights, except in occasional cases wherein the commanding officer may consider it in the best interests of the Government to authorize more extended operations.

[6 FR 1930, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 61-55, 26 FR 12571, Dec. 28, 1961; CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

## MISCELLANEOUS

### § 8.1703 Deaths.

(a) In case of death of a Reservist, his service record and health record shall be closed out as of the date of death with appropriate entries and forwarded to Headquarters.

(b) If a Reservist dies while in an inactive duty status, a report of death will be forwarded by the District Commander to whose district the Reservist was attached, to Headquarters. There shall be included in this report all pertinent information obtainable, such as full name, rank or rate, file or serial number of deceased, date and place of birth; source of information; date, place, and cause of death; and names and addresses of next of kin.

(c) If a Reservist dies while on active duty or training duty, reports required in the cases of personnel of the regular Coast Guard shall be made.

(d) District Commanders and commanding officers of Coast Guard units are authorized to furnish escorts, as provided by Regulations, U.S. Coast Guard, for Reservists, who were on inactive duty at time of death when such request is made by the next of kin and when it can be done without expense to the Government.

(e) An escort of one person may be provided at Government expense in accordance with Regulations, U.S. Coast Guard, to escort the remains of a Reservist who dies while performing active duty or training duty.

(f) Reservists who die while on active or training duty are entitled to burial in National cemeteries. Their next of kin are entitled to receive the national flag in accordance with the provisions of Regulations, U. S. Coast Guard.

(g) For instructions regarding procedure in case of death while on active or training duty, consult Regulations, U.S. Coast Guard.

[6 FR 1930, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

### § 8.1704 Use of title and reference to Coast Guard for commercial enterprises.

(a) Personnel of the Coast Guard Reserve while serving on inactive duty may use their military titles in connection with any commercial enterprise. However, a Reservist so serving and who desires to have published articles under his signature and military title should cause to appear a statement to the effect that the opinions or assertions contained therein are the private views of the writer and are not to be construed as official or as reflecting the views of the Commandant or of the Coast Guard.

(b) Personnel of the Coast Guard Reserve are not permitted to use the official letters or words pertaining to the Coast Guard enumerated in Title 14, United States Code, section 639, for purposes of commercial trade or advertisement.

[CGFR 53-63, 19 FR 4319, July 14, 1954]

## PROCUREMENT

## GENERAL REQUIREMENTS

### § 8.2101 Eligibility for membership.

Only citizens of the United States, its territories or possessions are eligible for appointment or enlistment in the Reserve.

[CGFR 54-21, 19 FR 5396, Aug. 25, 1954]

### § 8.2102 Procurement policies.

(a) *Reasons for rejection.* None of the following persons shall be appointed, enlisted, or reenlisted in the Reserve:

(1) An insane or intoxicated person.

(2) A person of known bad character.

(3) A person known to have committed a crime.

(4) A person who is a deserter from the military service of the United States.

(5) A person who has not the consent of parents or spouse required of an applicant for enlistment or appointment in the Regular Coast Guard by appropriate provisions of the Personnel Manual.

(6) A person who does not meet the standard physical requirements for enlistment or appointment unless a waiver of physical defects is granted.

(7) A person who is deemed to be a loyalty or security risk to the interest of the national defense of the United States.

(8) A person who is drawing retired pay from the Government of the United States on account of his own military service.

(9) An habitual user of intoxicants or drugs.

(10) A person whose civilian occupation is deemed to be such as would require a deferment in excess of 3 months upon being called to active duty.

(11) A person whose civilian occupation is deemed to be such that separation from it in time of war or national emergency would not be in the best interests of the United States.

(12) Except for reenlistment, Selective Service registrants who have received orders from their local board to report for preinduction physical and mental examinations, or to report for induction, unless the order has been cancelled and release is obtained from the local Selective Service Board.

(13) A person who holds current membership in any component of an armed force other than the Coast Guard Reserve, or who is a cadet or midshipman within any military service unless such person has submitted written evidence of a conditional release from the losing service.

(14) *Age and dependency.* (i) Except as provided in paragraphs (a)(14) (ii), (iii), (iv), and (v) of this section, a person whose age, and dependency status (exclusive of self), is not within the limits established herein as follows:

| Appointment | Rank | Dependency status | Age |
|---|---|---|---|
| Male | Ensign | Not over 3 | 21 to 26. |
| | LTJG | Not over 3 | 26 to 31. |
| | LT | Not over 4 | 31 to 37. |
| | Warrant and Chief Warrant | Not over 4 | 21 to 42. |
| | All other | No limit | 37 to 42. |
| Female | Same as male | No dependents | Same as male. |
| Male | Rated | Not over 3 | 17 to 42. |
| | Nonrated | Not over 2 | 17 to 42. |
| Female | All | No dependents | 20 to 30 for original enlistment. 21 to 35 for reenlistment. |

(ii) An applicant for appointment or enlistment who is over the age limits prescribed but who has prior military service may be appointed or enlisted if subtraction of total military service from actual age results in an adjusted age which falls within such limits.

(iii) An applicant for appointment or enlistment, with or without prior military service, who is not within the age limits prescribed may nevertheless be appointed or enlisted provided the Commandant determines that such applicant is possessed of skills, talents or abilities for which the Coast Guard has a compelling need in order to fulfill the mission of the Reserve.

(iv) A male applicant for appointment or enlistment who has over the number of dependents listed in paragraph (a)(14)(i) of this section, may nevertheless be appointed, enlisted, or reenlisted provided that such applicant furnishes proof satisfactory to the Commandant that upon call to active duty a family hardship would not exist.

(v) During any period of national emergency or in time of war, the Commandant is authorized to waive the age limits and dependency requirements prescribed in this paragraph without regard to any of the restrictions imposed in this paragraph.

(15) An enlisted person with prior service whose average proficency in rating and conduct marks are below 2.75 and 3.25 respectively.

(b) *Material statements or omissions.* All statements made in application for appointment, reappointment, enlistment, or reenlistment are held to be material facts and any misstatement or omission of such material facts will be considered as grounds for discharge.

(c) A person who has incurred a period of obligated military service pursuant to appropriate provisions of law shall not be transferred to the Reserve from the Regular component of the Coast Guard to complete his remaining portion of such obligated service who, if he applied for enlistment would be rejected under paragraph (a) of this section.

(d) Subject to the regulations contained in this part, final determination as to whether or not an applicant is qualified for appointment, enlistment, or reenlistment in, or for transfer to the Reserve is vested in the Commandant.

(e) Prior to his taking of the oath, each applicant shall have explained to him the military obligation which he will be undertaking by his appointment or enlistment and the amount and degree of participation required by law and these regulations in this part.

[CGFR 54-21, 19 FR 5396, Aug. 25, 1954, as amended by CGFR 56-22, 21 FR 4049, June 13, 1956; CGFR 57-23, 22 FR 7054, Aug. 31, 1957]

### § 8.2103 Procurement of officers.

(a) In the procurement of officers preference shall be given to:

(1) Personnel of the Coast Guard;

(2) Members of the Auxiliary;

(3) Experienced operators of small boats and yachts;

(4) Licensed deck and engineer officers and ex-members of the Coast Guard not employed on ocean or coastwise vessels or not employed in positions on shore directly in connection with the operation and management of ships.

(b) The commissioning of an officer in the Reserve makes him a part of the Coast Guard establishment, the standards of which must not be jeopardized through failure to insure that his character, ability and loyalty conform thereto and will be maintained throughout his commissioned status. The Commandant considers the approval or disapproval of applications for appointment or reappointment in the Reserve and recommendations for waivers, of such importance as to warrant the personal attention of the District Commanders whenever practicable. When it is impracticable for a District Commander to interview a candidate personally, the forwarding endorsement shall so state.

(c) Examining boards will be convened by District Commanders at places within their jurisdiction, as near as practicable to the place of residence of the applicant. Examining boards will consist normally of three officers, but may consist of two officers. At least two members of the board will be regular Coast Guard officers, but the third member may be an officer of the Reserve. In no case will a member of the board be junior in grade to that for which the applicant is being examined. The consent of a Reserve officer must be obtained before he is designated as a member of an examining board and he will not be placed on active or training duty for this purpose.

(d)(1) Upon completion of the examination the board will prepare a report on each case embodying:

(i) Membership of the board.

(ii) Conclusions of the board stated separately as to the physical, moral, professional, and general fitness of the applicant.

(iii) Statements of any other facts that should be of record for the information of higher authority such as whether or not a result of the examination of the qualifications of the applicant indicates him to be of greater value in some other grade than that for which he applied.

(iv) Final recommendations of the board.

(2) The report accompanied by the application for appointment, the report of physical examination and all other papers in the case will be sent without delay to the convening authority, who will review the proceedings and promptly forward them with his recommendation to the Commandant (PTP).

(3) When an applicant is recommended for a different grade than that for which application is made, a statement in writing will be obtained by the board from the applicant as to his willingness to accept the recommended appointment. This statement will be forwarded with the report.

(e) Whenever examinations are held, the appearance of the applicant before the board will be required.

(f)(1) In determining fitness for appointment the board will examine into the following:

(i) *Physical qualifications.* Each applicant will be subjected to a thorough physical examination conducted as prescribed by § 8.1403 and conforming to the standards prescribed for officers of the regular Coast Guard.

(ii) *Moral character.* The board will inquire rigidly into the moral character of the applicant. It will carefully question the applicant, and may secure any additional information from reliable sources that will be of value to the board or to higher authority. The following checks, insofar as necessary to satisfy this requirement, should be made:

(*a*) Personal interview, telephone contact, or other means for verification of the letters of recommendation submitted by the candidate. Verification of letters includes questions of authenticity, degree of positiveness, and character of the signer.

(*b*) Check of candidate's moral standing, standing in community, background and integrity.

(*c*) Nature of associates, personal characteristics, type of membership in organizations.

The board will make known to the applicant and afford him an opportunity to refute any unfavorable statements relative to his moral character.

(iii) *Professional qualifications.* The board will examine into the professional and general cultural qualifications of the applicant. The professional and educational qualifications may be determined by the board by written examinations, the scopes of which are set forth in § 8.2204(a). The examination shall emphasize the practical and minimize the theoretical aspects of the subjects of navigation and seamanship.

(iv) *General qualifications.* The board will investigate and weigh carefully the applicant's general education, personality, appearance, bearing, experience, and general adaptability for naval or military service. The following check insofar as is necessary to satisfy this requirement should be made:

(*a*) Check of candidate's statements in general with respect to his employment, previous service or work, interviews, or other contacts with employers.

(*b*) Evaluation of the reasons given by the candidate for wishing to join the Coast Guard Reserve.

(2) Regardless of physical or other disqualifications, the examination of each applicant will be completed unless, upon being informed of such disqualification, the applicant expresses written consent that his examination be discontinued.

(g)(1) The provisions of paragraphs (c), (d), (e), and (f) of this section are not applicable to the procurement of temporary officers of the Reserve except that such officers shall be required to qualify physically. Temporary officers of the Reserve may be originally appointed by the Commandant in grades and ranks up to and including that of lieutenant commander. District Commanders recommending such appointments will satisfy themselves as to the professional, moral and general qualifications of the candidate recommended.

(2) The provisions of paragraph (c), (d), (e), and (f) of this section are not applicable to the procurement of Reserve officers from personnel of the Regular Coast Guard. Qualifications of such personnel for appointment will be determined by an examining board convened by the Commandant at Headquarters.

(3) The provisions of paragraph (c), (d), (e) and (f) of this section are not applicable to the procurement of Reserve officers through special training classes at the Coast Guard Academy. Qualifications of such personnel for training and appointment shall be prescribed by the Commandant.

(h) As a matter of policy, the Commandant will not approve appointments in the Reserve of foreign-born persons who have been naturalized less than 10 years, or who have not resided continuously in the United States during the 10-year period immediately preceding their application.

[6 FR 1931, Apr. 15, 1941, as amended at 6 FR 6804, Dec. 30, 1941; 7 FR 822, Feb. 7, 1942; 10 FR 4666, Apr. 28, 1945; CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

### § 8.2104 Appointments of officers; responsibility for.

(a) Headquarters is charged with the approval or disapproval of applications for appointment or reappointment in the Reserve and may recommend such applicants as meet the requirements of the Coast Guard to the Secretary of the Treasury for appointment or reappointment. In making its recommendations, due consideration will be given by Headquarters to the recommendations of the District Commander of the Coast Guard district through whom the application is submitted. If there is any question of the fitness of the candidate, Headquarters may return the report of the examining board for the purpose of conducting further investigation or more extensive examination.

(b) District Commanders of Coast Guard districts are charged with the responsibility of procuring and recommending candidates for appointment as officers of the Reserve in accordance with instructions issued by Headquarters.

(c) Officers of the Reserve will be procured within quotas.

[6 FR 1932, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

### § 8.2105 Procedure in making application for appointment.

(a) Applications for appointment in the Reserve shall be submitted on Treasury Department Form 2725.

(b) An application must show and be signed with the full legal name of the applicant and be forwarded to the Commandant by the examining board, as prescribed by § 8.2103(d)(2). It must be accompanied by or include the following:

(1) Evidence of citizenship as shown below.

(i) If native born:

(*a*) A duly verified copy of a public or church record of birth, or

(*b*) The affidavit, under oath, of the physician, midwife, or other persons present at the birth.

(*c*) In cases where neither (*a*) nor (*b*) can be obtained by the candidate, the affidavit of either parent.

(*d*) In cases where the candidate certified that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him. Each of these affidavits should state the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the candidate, as for example, that he has known the candidate since birth, that he knew his parents, or as the case may be.

(ii) If foreign born:

(*a*) Certificate of naturalization, under the seal of the court in which naturalized.

(*b*) Certificate of naturalization, under the seal of the court in which naturalized, of the parent during the minority of the candidate, together with the affidavit of a parent that the candidate is the child of the parent whose certificate of naturalization is submitted.

(*c*) In special cases where the candidate certified that neither (*a*) nor (*b*) is obtainable, the affidavits of two reputable citizens acquainted with him (see paragraph (b)(1)(i)(*d*) of this section). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases, and on the understanding that the candidate shall later submit a proper certificate of naturalization.

(2) Properly authenticated transcript of educational qualifications.

(3) Brief résumé (in applicant's own handwriting) of business or professional experience, and any other information which may assist the Commandant in evaluating special qualifications. If applicant is a qualified pilot of aircraft, duly certified statements of total pilot time, with types of aircraft and pilot time for past 12 months and statement of experience in aviation engineering, aerial navigation, and radio communication, should be included.

(4) Fingerprint records, Treasury Department Form 2515.

(5) Three or more letters of recommendation, and at least three references of individuals who are promi-

nent in the community, who may be personally contacted for information regarding applicant. These letters and references should serve to furnish information as to the applicant's moral, mental and professional qualifications. In case the candidate is an enlisted man, a transcript of service record and recommendation of his commanding officer, in addition to the other letters of recommendation.

(6) Report of physical examination, Treasury Department Form 2525-B.

(7) Two recent photographs of the applicant's head and shoulders, one profile and one full-face, each about 2½ inches by 2½ inches.

(8) Statement as to prior military or naval service.

(9) Statement as to receipt or nonreceipt of pension, compensation or retired pay from the Government of the United States.

(10) Statement from employer or responsible authority as to availability for active duty.

(11) Statement from district commander as to the character of active duty assignment for which candidate is qualified and is required.

(12) Statement from District Commander as to vacancy in quota.

(13) Report of interview by district commander. This report should afford reviewing officers a clear picture of the applicant's prospective value as a Reserve officer, with special reference to officer-like qualities as distinguished from technical or professional qualifications.

(14) An agreement to take such correspondence courses as may be prescribed.

(c) The provisions of paragraphs (a) and (b) of this section are not applicable to the personnel of the regular Coast Guard, except such parts thereof as may be required by the examining board convened in accordance with § 8.2103(g)(2).

[6 FR 6805, Dec. 30, 1941, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

## REQUIREMENTS FOR ORIGINAL APPOINTMENT OF OFFICERS

### § 8.2201 Educational and professional requirements.

A candidate for a direct appointment as a Reserve commissioned, chief warrant, or warrant officer must have such educational qualifications and professional experience as may be prescribed from time to time by the Commandant.

[CGFR 56-24, 21 FR 5621, July 26, 1956]

## ENLISTMENTS AND REENLISTMENTS

SOURCE: Sections 8.2301 to 8.2311, CGFR 54-21, 19 FR 5397, Aug. 25, 1954, unless otherwise noted.

### § 8.2301 Definitions.

(a) The enlistment of a person who has had no previous service in the Coast Guard Reserve is an original enlistment.

(b) The enlistment of any person who has previously served in the Coast Guard Reserve shall be considered a reenlistment.

(c) The extension of enlistment of a person in the Coast Guard Reserve shall be considered a continuation of the existing enlistment.

(d) The term "eligible for membership", refers to the requirements of §§ 8.2101 and 8.2102.

(e) "Recruiting officers" are those officers and petty officers of the Coast Guard and Coast Guard Reserve designated to accomplish enlistments or reenlistments in the Coast Guard Reserve.

### § 8.2302 Recruiting officers.

The Commandant may designate, and may authorize District Commanders to designate, officers of the Coast Guard, and officers of the Coast Guard Reserve on both active and inactive duty, to act as recruiting officers for the Coast Guard Reserve as are deemed to be necessary or desirable to accomplish the mission of the Reserve.

### § 8.2303 Enlisted personnel; by whom enlisted.

(a) The enlistment or reenlistment of persons found to be eligible for

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membership in the Reserve may be accomplished by any recruiting officer.

(b) When an enlistment or reenlistment is effected, the oath of allegiance shall be administered by a commissioned, commissioned warrant, or warrant officer, notary public, or other officer who may be authorized by law to administer such oaths.

### § 8.2304 Term of enlistment or reenlistment.

(a) Except as provided for in paragraphs (b) and (c) of this section, enlistments and reenlistments in the Coast Guard Reserve shall be for a period of 2, 3, 4, 5, 6, 7, or 8 years as the Commandant may determine from time to time.

(b) Notwithstanding that a formal contract of enlistment has been entered into for a definite term of years, a male Reservist who is initially enlisted while under the age of 26 years and with no prior military service will be required to serve for such total period of years as may be required by law to fulfill his military obligation and his enlistment may be involuntarily extended as prescribed in § 8.2306(b)(2).

(c) All enlistments in the Reserve effected during the existence of a war or national emergency declared by the Congress shall continue in force until six months after the termination of the war or national emergency, whichever is later, unless sooner terminated by competent authority.

### § 8.2305 Condition for enlistment.

The Commandant may require, as a condition for enlistment, that applicants agree to participate in a Reserve Training program for a stipulated number of years not to exceed the number required to fulfill such military obligation as may be provided by law.

### § 8.2306 Extension of enlistment.

(a) *Voluntary extensions.* The term of enlistment of any enlisted person in the Coast Guard Reserve may, by his voluntary written agreement, be extended for a period of one or two full years in the discretion of the Commandant. Such extension shall have the same effect as a reenlistment and shall not operate to deprive the enlisted person concerned of any right, privilege, or benefit to which he would have been entitled if he had been discharged and reenlisted.

(b) *Involuntary extensions.* (1) All Reserve enlistments in force at the beginning of a war or national emergency declared by the Congress which otherwise would expire shall be involuntarily extended by the Commandant until six months after the termination of the war or national emergency, whichever is later.

(2) At times other than those mentioned in paragraph (b)(1) of this section and when authorized by law, or by regulations contained in this part, Reserve enlistments may, in the discretion of the Commandant, be involuntarily extended for such periods as the law may allow.

(3) The enlistment of a person designated as an officer candidate shall be involuntarily extended by such period as he may remain in such status beyond the normal expiration thereof.

### § 8.2307 Terminations of enlistments.

(a) Subject to paragraph (b) of this section, an enlistment in the Reserve expires at midnight on the last day of term.

(b) Notwithstanding any other provisions of the regulations contained in this part, the Commandant may, at any time, terminate an enlistment prior to expiration of the term.

### § 8.2308 Presentment of discharge certificates.

(a) Any person having prior service in any of the Armed Forces shall be required to present his certificate of discharge or certificate in lieu of discharge before being enlisted in the Coast Guard Reserve.

(b) Upon presentation thereof, the recruiting officer shall write his name, the date and place of enlistment or reenlistment on the back of such certificate.

### § 8.2309 Recruiting instructions.

Instructions will be issued to recruiting officers by the Commandant from time to time setting forth the terms of enlistments, the ratings in which enlistments and reenlistments may be effected, the procedure to be followed in effecting enlistments, and such other instructions in amplification of these regulations as he may deem necessary or desirable.

### § 8.2310 Pay grade for enlistments.

All original enlistments in the Coast Guard Reserve shall be in the lowest enlisted pay grade unless enlistment in a higher rating is authorized by the Commandant.

### § 8.2311 Service numbers.

Each person enlisted in the Coast Guard Reserve shall be assigned a service number in accordance with instructions issued by the Commandant.

## SPECIAL ENLISTMENT PROGRAMS

### § 8.2401 Two year active duty programs.

(a) Any male person who has not been ordered to report for induction into the Armed Forces under the Universal Military Training and Service Act, as amended, and who has been found to be qualified to perform active duty in the Coast Guard, and who has reached the age of 17 years but has not reached the age of 26 years may be enlisted in the Coast Guard Reserve for a period of 6 years under the provisions of section 261 of the Armed Forces Reserve Act, as amended.

(b) The Commandant may restrict enlistments under paragraph (a) of this section to any age group within the age limits prescribed therein.

(c) Each person enlisted pursuant to this section shall be initially placed in the Ready Reserve and shall be required during his 6 year enlistment to:

(1) Perform active duty in the Coast Guard for a period of not more than two years unless sooner released by the Commandant on grounds of personal hardship or as the needs of the Service may require.

(2) Unless sooner transferred to the Standby Reserve under the screening regulations, participate satisfactorily in an accredited training program of the Ready Reserve while on inactive duty for a period which, when added to the period of active duty performed, totals 5 years. The remainder of his 6 year enlistment shall be as a member of the Standby Reserve unless he agrees to remain in the Ready Reserve.

(d) The Commandant shall determine the time within which the two-year period of active duty must be performed. Each applicant shall be informed thereof prior to his enlistment.

[CGFR 56-22, 21 FR 4049, June 13, 1956]

### § 8.2402 Active duty for training program.

(a) Male applicants without prior military service may be enlisted in units of the Ready Reserve pursuant to the provisions of section 511 of Title 10, U.S. Code provided they:

(1) Are between the ages of 17 and 26 years.

(2) Are physically, mentally and otherwise qualified for induction.

(3) Are not under orders to report for induction.

(b) Each applicant accepted under this section shall be enlisted for a period of six years. He shall be placed initially in the Ready Reserve and be required during his six year enlistment to:

(1) Perform an initial period of active duty for training of not less than four consecutive months. The maximum period of active duty for training will be determined by the Commandant on the basis of the training considered necessary to qualify the member in a military specialty.

(2) Unless sooner transferred to the Standby Reserve under the screening regulations, participate satisfactorily in an accredited training program of the Ready Reserve while on inactive duty for a period which, when added to the initial period of active duty for training, totals six years.

(c) Members enlisted under this program shall enter on active duty for training with minimum practicable delay. The delay shall not exceed one hundred and eighty (180) days except as follows:

(1) Members pursuing a course in high school may be delayed until they cease to pursue that course satisfactorily or graduate, whichever occurs first.

(2) Members enlisting for positions requiring security clearance for access to or work with classified military information or equipment may be de-

layed to the extent necessary to accomplish the required clearances.

(3) Members with special qualifications enlisted to fill positions requiring highly specialized skills for which appropriate formal training courses are offered only infrequently may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which enlisted.

(4) Delay for personnel under paragraph (c)(1), (2), or (3) of this section, shall not exceed a period of one year and shall not be employed for the purpose of stockpiling personnel.

(d) Whether or not a member shall participate in Reserve training during the delay period provided for in paragraph (c) of this section shall be determined by the Commandant.

(e) No enlistment shall be accepted under the provisions of this section if it would cause the strength of the Ready Reserve authorized for the Coast Guard to be exceeded.

[CGFR 63-74, 29 FR 231, Jan. 9, 1964]

### § 8.2403 Direct enlistment program.

(a) Whenever the President authorizes the enlistment of persons into organized units of the Ready Reserve under the authority contained in Clause (C) of section 6(c)(2) of the Universal Military Training and Service Act, as amended, the Commandant may provide for the enlistment in the Coast Guard Reserve of persons who qualify therefor under such regulations as may be prescribed and within such quotas as may be approved by the Secretary of Defense.

(b) The Commandant is hereby empowered to exercise and implement any authority conferred upon the Secretary of Transportation as may be contained in the authorization, regulations, and approval referred to in paragraph (a) of this section.

[CGFR 56-24, 21 FR 5621, July 26, 1956, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

### § 8.2406 Officer candidate program.

(a) The Commandant may provide for the selection of qualified applicants to attend a course of training leading to appointment as a commissioned officer from among the following:

(1) Male applicants from civil life who have such educational qualifications as may be prescribed from time to time by the Commandant.

(2) Members of the Coast Guard and Coast Guard Reserve who have completed at least one year of college or its equivalent and who have performed a specified period of active duty.

(b) The Commandant shall establish the criteria under which applicants may be selected and shall determine the length and curriculum of the training course.

(c) A person who successfully completes the training course shall, if otherwise qualified, be appointed a Reserve commissioned officer in the Coast Guard.

(d) Selected civilian applicants shall be enlisted in pay grade E-2 and designated as officer candidates. Applicants who, at the time of selection, are members of the Coast Guard or Coast Guard Reserve shall be designated as officer candidates in pay grade E-2 or in the pay grade in which serving, whichever is the higher.

(e) Applicants shall be required to execute an agreement containing the conditions under which they may, if selected, be required to perform active duty or active duty for training and to perform satisfactory service by participation in training activities as a member of the Reserve. A person who is commissioned and who is designated to perform active duty or active duty for training in accordance with his agreement shall normally be called to duty immediately or as soon as possible within the 12-month period after commissioning in accordance with the ability of the Coast Guard to absorb him. Each person shall be advised at the time of graduation as to the approximate date he will be required to report for such duty. If there is a delay between the commissioning and the reporting date, graduates shall be given appropriate assignments in the Ready Reserve. Assignment of graduates to active duty or active duty for training shall be made under instructions issued by the Commandant which shall provide for an impartial method of selection and with maximum consideration to be given to the preference of each graduate so far as may be consistent with the requirements of the Coast Guard.

(f) Under instructions issued by the Commandant, a graduate may be delayed from being ordered to active duty or active duty for training beyond the normal 12-month period after commissioning if the following is found to exist.

(1) He is the recipient of a scholarship.

(2) He has been accepted by a recognized institution of higher education for graduate studies.

(3) He would suffer undue personal hardship.

(4) He is otherwise precluded from reporting as ordered for cogent and acceptable reasons.

(g) A graduate whose orders to active duty or active duty for training has been delayed pursuant to paragraph (f) of this section shall be ordered to such duty at such time as the cause of the delay ceases to exist. While such delay continues to exist, the member shall be given an appropriate Ready Reserve assignment.

[CGFR 56-24, 21 FR 5621, July 26, 1956]

### § 8.2407 General.

(a) Except as specifically modified by the provisions contained in §§ 8.2401 to 8.2406 inclusive of these regulations, the general policies contained elsewhere in these regulations pertaining to procurement of Reserve personnel shall continue to apply to the enlistment of persons under the special enlistment programs set forth in the sections referred to.

(b) Nothing contained in §§ 8.2401 to 8.2406 inclusive, pertaining to special enlistment programs, shall be construed to prevent the procurement of qualified persons under other provisions of law or these regulations. The Commandant may, from time to time, restrict the use of any procurement program as the needs of the service may require.

[CGFR 56-24, 21 FR 5621, July 26, 1956]

## PROMOTION

### PROMOTION OF "COMMISSIONED" OFFICERS

SOURCE: Sections 8.3101 to 8.3113, CGFR 51-31, 16 FR 7770, Aug. 8, 1951, unless otherwise noted.

### § 8.3101 Promotion zone.

The Promotion zone for officers of the Reserve in each grade shall include all officers of the Reserve who are performing extended active duty or are in the Organized or Volunteer Reserve and whose running mates have been, or are scheduled to be, considered by a promotion board for officers of the Coast Guard: *Provided*, That the Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements for officer personnel to become eligible for promotion under §§ 8.3103 to 8.3112 inclusive; the names of officer personnel who thereafter fail to conform to such minimum training requirements, shall not be submitted to a promotion board and such personnel shall not receive consideration for promotion during any period in which they have failed so to conform.

[CGFR 52-1, 17 FR 2503, Mar. 22, 1952]

### § 8.3102 Convening of promotion boards.

Promotion boards shall be convened from time to time so that Reserve officers in the promotion zone for a particular grade will receive consideration for promotion concurrently with, or as soon as practicable after, their running mates. Separate boards may be convened to consider officers in one or more grades; or one board may be convened to consider officers in all grades, whichever is most practicable.

### § 8.3103 Membership of promotion boards.

Promotion boards for officers of the Reserve shall consist of not less than 5 officers of the Coast Guard or Coast Guard Reserve, 50 percent being officers of the Reserve if practicable. All members of the board shall have permanent rank in the same grade as, or be in a grade higher than, that to which any officers considered by it are to be promoted.

[CGFR 51-31, 16 FR 7770, Aug. 8, 1951, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

### § 8.3104 Procedures for promotion boards.

(a) Each member shall swear, or affirm, that he will perform the duties imposed upon him as herein provided, without prejudice or partiality and having in view both the special fitness of officers and the efficiency of the Coast Guard.

(b) The Commandant shall furnish the board with the names of all officers in the promotion zone or zones which it is to consider together with the service records and other information of official record concerning the officers so named.

(c) From those officers whose names are furnished to it and without regard to existing precedence or seniority, the board shall recommend for promotion those officers whom it considers qualified and best fitted in their fields of qualification for promotion to the next higher grade, in such numbers and fields as its precept may specify. However, in its report the board shall list the names of the officers so recommended in order of their existing precedence.

(d) The report of the board shall be signed by all members certifying that, in the opinion of at least a majority of the members, the officers therein recommended are selected as qualified and the best fitted to fulfill the active duty mobilization requirements of the Coast Guard in their fields of qualification in the next higher grade.

### § 8.3105 Computation of number of officers to be recommended by a promotion board.

(a) The number of officers to be specified in a promotion board precept as the maximum number in a grade that the board may recommend for promotion shall be determined by the Commandant for each grade as follows. To the number of actual vacancies existing in the higher grade, calculated by comparing actual strength of the Reserve, exclusive of the Retired Reserve, and exclusive of those officers of the Reserve whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the U. S. Coast Guard, with the authorized strength as determined by application of § 8.1109, add the number of vacancies which it is estimated will occur prior to the convening of the next following promotion board, and add the estimated number of officers in each grade who are deemed by the Commandant to be permanently unusable for mobilization purposes. From such total, substract the number of vacancies as may be planned to be filled through new appointments in the higher grade and such numbers as may be filled from an existing promotion list. The remainder is the number of potential vacancies to be filled through promotion from selections of the board and shall be the maximum number that the promotion board may select.

(b) In addition to the limitation in paragraph (a) of this section on the total to be selected, the board may be required to maintain a balanced distribution of officers in each of the various fields of qualification among those selected through further limitation as to the maximum number or percentage which may be selected from each such category. These further limitations shall be based upon a determination by the Commandant of the need in the higher rank for additional officers of a particular category to maintain the distribution prescribed in § 8.1109.

### § 8.3106 Approval of reports of promotion boards.

The report of each promotion board shall be submitted to the Commandant for his approval or disapproval. In case any officer or officers recommended by a board for promotion are not acceptable to the Commandant, the Commandant's final action will disapprove their selection for promotion.

[CGFR 53-17, 18 FR 3256, June 6, 1953]

### § 8.3107 Promotion lists.

The recommendations of promotion boards, as approved by the Commandant, will constitute promotion lists from which promotion of officers of the Reserve will be made, subject to establishment of physical qualification and verification that service subsequent to the convening of the promotion board has remained of satisfactory character. Officers on a promotion list will remain thereon until promoted unless removed by the Commandant for due cause.

[CGFR 53 17, 18 FR 3256, June 6, 1953]

### § 8.3108 Procedures for effecting promotions.

(a) Officers of the Reserve shall not be promoted unless their names are on a promotion list, except in case of special action by the Secretary. An officer whose name is on a promotion list shall be tendered an appointment in the next higher grade at the same time, or as soon thereafter as practicable, as a similar appointment is tendered to his running mate.

(b) Such appointments shall be forwarded to the District Commander who shall not effect delivery unless or until physical qualification has been established to the satisfaction of the Commandant. The District Commander may otherwise withhold such appointments for due cause. If so withheld, or delivery for any reason cannot be effected, the District Commander shall promptly report the full circumstances to the Commandant for further action.

[CGFR 51 34, 16 FR 7770, Aug. 8, 1951, as amended by CGFR 69 80, 34 FR 18035, Nov. 7, 1969]

### § 8.3109 Promotion after failing of selection.

The name of an officer, who has been considered by one or more promotion boards without his being replaced on any resulting promotion list, shall be submitted to succeeding promotion boards for so long as he remains on extended active duty or in the Ready Reserve or in the Standby Reserve in an active status. If he is recommended by any succeeding promotion board, and such recommendation is approved by the Commandant, he shall be tendered a promotion in the next higher grade as provided in § 8.3108.

[CGFR 53 17, 18 FR 3256, June 6, 1953]

### § 8.3110 Types of promotion.

An officer of the Reserve shall be promoted for temporary service or promoted permanently dependent upon the character of the promotion extended to his running mate. Subject to satisfactory service under such appointment for temporary service the appointment of the officer of the Reserve will be made permanent when that of his running mate is made permanent.

### § 8.3111 Reversion from temporary rank.

If officers of the Coast Guard with an appointment for temporary service resume their permanent rank and status because of reduction in the size of the service or otherwise for the convenience of the government, an officer of the Reserve with similar appointment shall likewise resume his permanent rank and status concurrently with his running mate.

### § 8.3112 Date of rank upon promotion.

When an officer of the Reserve is appointed to the next higher grade under the provisions of § 8.3108, he shall be assigned the same date of rank as that assigned to his running mate. When a temporary appointment is made permanent, the date of rank assigned under the permanent appointment shall be the same as that assigned to his running mate.

### § 8.3113 Promotion of certain officers on active duty.

(a) The regulations in this part are not applicable to those officers of the Reserve whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the U.S. Coast Guard. Such officers shall be considered for promotion under the regulations governing promotion of officers of the Coast Guard as though such officers were officers of the Coast Guard.

(b) While serving on extended active duty, an officer of the Reserve may be promoted for temporary service in the same manner as an officer of the Coast Guard. If so promoted by reason of being on active duty, the officer concerned will be considered an extra number in the higher grade of the Reserve and when released from such active duty shall resume his regular rank and status in the Reserve. Such officers shall also be considered by promotion boards for officers of the Reserve if they meet the requirement of § 8.3101 and may be promoted in the normal manner for Reserve officers if qualified under the provisions of § 8.3108.

[CGFR 51-31, 16 FR 7770, Aug. 8, 1951, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

## CHIEF WARRANT AND WARRANT OFFICERS

SOURCE: Sections 8.3201 and 8.3202, CGFR 58-12, 23 FR 7069, Sept. 12, 1958, unless otherwise noted.

### § 8.3201 Promotion generally.

(a) Subject to the limitations contained in paragraph (b) of this section, the regulations now existing or hereafter promulgated relating to the promotion, failure of selection for promotion, date of appointment and procedures for effecting appointments, and the effect of removal from a promotion list of chief warrant and warrant officers of the Regular Coast Guard shall apply to chief warrant and warrant officers of the Coast Guard Reserve except as may be necessary to adapt such provisions to the Coast Guard Reserve.

(b) No chief warrant or warrant officer shall receive consideration for promotion or be promoted either for temporary service or permanently under any provision of law or regulations unless:

(1) He is in an active Reserve status, and

(2) He has attained the minimum number of points prescribed by the Commandant. The number of points prescribed shall not exceed an average of 50 points per anniversary year.

### § 8.3202 Elimination generally.

(a) Except as provided in paragraphs (b) and (c) of this section, chief warrant and warrant officers of the Coast Guard Reserve shall be transferred to the Retired Reserve, or placed on the Inactive Status List under the same regulations as apply to commissioned officers of the Coast Guard Reserve of the grade of ensign and above.

(b) Unless retained in an active status pursuant to paragraph (c) of this section:

(1) A male chief warrant or warrant officer of the Coast Guard Reserve, if otherwise qualified, shall be transferred to the Retired Reserve not later than 60 days after the date upon which he becomes 62 years of age and subject to the provisions of Title 10, U.S. Code, section 1164(c).

(2) A woman chief warrant or warrant officer of the Coast Guard Reserve, if otherwise qualified, shall be transferred to the Retired Reserve not later than 60 days after the date upon which she becomes 55 years of age and subject to the provisions of Title 10, U.S.C. 1164(c).

(c) Chief warrant and warrant officers of the Coast Guard Reserve who held status as such on 1 November 1954 and who reach mandatory retirement or separation age prescribed in paragraph (b) of this section prior to completion of 20 years of service creditable toward retirement, as defined by 10 U.S.C. 1332, may be retained by the Commandant until the completion of such twenty years of service, but not later than that date which is sixty days after the date on which they attain the age of:

(1) 64 years if a male officer, or

(2) 60 years if a woman officer.

## ADVANCEMENT AND CHANGES IN RATINGS OF ENLISTED MEN

SOURCE: Sections 8.3301 to 8.3304, CGFR 56-3, 21 FR 2618, Apr. 24, 1956, unless otherwise noted.

### § 8.3301 Requirements for advancement of members on active duty.

(a) Except for temporary members of the Coast Guard Reserve, enlisted members serving on extended active duty may be advanced in pay grades to fill vacancies in quotas in ratings and pay grades in accordance with the requirements established for the advancement of enlisted persons of the Regular Coast Guard for similar pay grades.

(b) In computing the service of enlisted members to meet the minimum requirements for the first advancement subsequent to the commencement of extended active duty, credit will be given for service performed on inactive duty in an authorized training program for the Coast Guard Reserve immediately prior to the commencement of extended active duty at the rate of one month for every three months of such inactive service.

### § 8.3302 Requirements for advancement of members on inactive duty.

(a) Enlisted members serving on inactive duty may be advanced in pay grades under such instructions as may be prescribed by the Commandant.

(b) Such instructions shall include, but are not necessarily limited to, the following:

(1) Specified periods of time to be served in each pay grade.

(2) The minimum training and professional requirements for eligibility for consideration.

(c) Unless specifically authorized by the Commandant, enlisted members shall not be advanced more than one pay grade at a time.

### § 8.3303 Lateral changes in rate in the same pay grade.

Lateral changes in rate within the same pay grade may be made upon a finding by the Commandant that the Reservist concerned is professionally qualified to perform the duties of the new rate.

### § 8.3304 Appointment of petty officers to warrant officer grade.

(a) Chief petty officers and petty officers, first class may be recommended for appointment to the grade of warrant officer W-1 under such instructions as may be prescribed by the Commandant. Quotas shall be established by the Commandant based upon the mobilization needs of the Coast Guard.

(b) Such instructions shall include, but are not necessarily limited to, the criteria prescribed in § 8.3302.

## TRANSFERS

## TRANSFERS BETWEEN SHIPS AND STATIONS

### § 8.4201 Officers performing active duty.

Officers performing active duty may be permanently transferred from one ship or station to another only by Headquarters.

[6 FR 1936, Apr. 15, 1941]

### § 8.4202 Enlisted men performing active duty.

Enlisted men performing active duty may be transferred from one ship or station to another in the same district by the District Commander. Transfers of such men to ships or stations of other districts may be made by the District Commander only upon authority of the Commandant in each case.

[6 FR 1936, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

## TRANSFERS TO OR RETENTION IN COAST GUARD RESERVE

SOURCE: Sections 8.4301 to 8.4306, CGFR 53-29, 18 FR 3939, July 7, 1953, unless otherwise noted.

### § 8.4301 Purpose.

Sections 8.4301 through 8.4306 prescribe interpretations, policies, and procedures governing transfer of certain Coast Guard personnel to the United States Coast Guard Reserve and retention of certain Coast Guard Reserve personnel pursuant to the provisions of sections 4(d)(1) and (3) of the Universal Military Training and Service Act, as amended.

### § 8.4302 Scope.

Sections 8.4301 through 8.4306 are intended to cover all cases and classes of cases in which a person or persons has or have incurred reserve obligations under the Universal Military Training and Service Act, as amended, and the Commandant of the Coast Guard considers the needs of the Service to require that action be taken to assure fulfillment thereof.

### § 8.4303 Statutory provisions concerned.

(a) Section 4(d)(1) of the Universal Military Training and Service Act, as amended, provides:

> Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is inducted, enlisted, or appointed (except a person enlisted under subsection

> (g) of this section) and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which entension is hereby authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

(b) Section 4(d)(3) of the Universal Military Training and Service Act, as amended, provides:

> Each person who, subsequent to the date of enactment of this paragraph, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps prior to attaining the twenty-sixth anniversary of his birth shall be required to serve on active training and service in the Armed Forces or in training in the National Security Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard). Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the reminder of the period which he is required to serve under this paragraph and shall be deemed to be a member of such reserve component during such period. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force (or the Secretary of the Treasury with respect to the United States Coast Guard), determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can, without undue personal hardship, be filled by any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program, and to serve satisfactorily therein. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of the Treasury with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the Armed Forces prior to serving the periods required by subsection (b) of this section of individuals who volunteer for and are accepted into organized units of the Army National Guard and Air National Guard and other reserve components. Nothing in this subsection shall be construed to prevent any person, while in a reserve component of the Armed Forces, from being ordered or called to active duty in such Armed Force.

### § 8.4304 Interpretations and policies.

(a) Under section 4(d)(1) of the Universal Military Training and Service Act, as amended, the following interpretations shall be applicable in administering this part:

(1) Persons enlisting or reenlisting or accepting an appointment in the United States Coast Guard at any time between the dates of September 27, 1950 (the date the Selective Service Act of 1948 was made applicable to the United States Coast Guard) and June 19, 1951, both dates inclusive, and whose service subsequent to such enlistment or reenlistment, or acceptance of appointment, has been of a total duration of less than 3 years, shall be transferred to the Coast Guard Reserve and be required to serve therein for a period of 5 years from the date of such transfer, unless sooner discharged for the purpose of complete separation from any military status: *Provided*, That this paragraph shall not apply to those persons who were exempt from induction at the time of enlistment during the period specified in this paragraph.

(2) Transfer to the Coast Guard Reserve shall not be made in the case of any person falling within the class defined in paragraph (a)(1) of this section who, subsequent to his enlistment or reenlistment between the dates indicated, has been discharged or permitted to resign for the purpose of effecting his complete separation from any military status, unless such discharge or acceptance of a resignation was or is for the purpose of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status or for the purpose of entry into an officers' training program in which participants have a military status.

(3) In computing the duration of service subsequent to enlistment or reenlistment between the dates indicated, any service performed in an officers' training program in which the individual concerned had or has a military status, including service as a cadet at the United States Coast Guard Academy, shall be considered as service under such enlistment or reenlistment. (This interpretation shall be disregarded in making computation of "service" for any other purpose or purposes.)

(4) The Commandant shall provide for the relief from liability for further obligated service of personnel who fulfill the requirements of the proviso contained in section 4(d)(1) of the Universal Military Training and Service Act, as amended, or who, either voluntarily or involuntarily, return to active military service for such period or periods as he may prescribe.

(b) Under section 4(d)(3) of the Universal Military Training and Service Act, as amended, the following interpretations shall be applicable in administering this part:

(1) Except as hereinafter indicated, persons originally enlisting or accepting an appointment in the Coast Guard or Coast Guard Reserve at any time subsequent to June 19, 1951, and prior to attaining the twenty-sixth anniversary of their birth, are obligated to serve in the Armed Forces for a total period of eight years following such enlistment or acceptance of appointment, unless sooner discharged for the purpose of complete separation from any military status.

(2) Persons reenlisting subsequent to June 19, 1951, after having performed any active or inactive service in any Armed Force, including the reserve components thereof, under an enlistment or appointment effected on or prior to June 19, 1951, shall not incur an obligation to serve for 8 years.

(3) A person falling within the class defined in paragraph (b)(1) of this section shall, on release from active training and service or upon termination of an enlistment in the Reserve, be transferred to or retained in the Coast Guard Reserve and required to serve therein for such period as may be required to complete the remaining portion of the eight-year obligation.

(4) The eight-year obligation is considered terminated upon a discharge for the purpose of complete separation from any military status, or upon revocation or termination of commission or appointment, acceptance of resignation, dropping from the rolls, or dismissal, unless such discharge or other type of separation was or is for the purpose of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status, or for the purpose of entry into an Officers' Training Program in which participants have a military status.

(5) In computing service performed toward the fulfillment of the eight-year obligation, any service performed in an Officers' Training Program, in which the individual concerned had or has a military status, including service as a cadet at the United States Coast Guard Academy, shall be counted in the same manner as service in a regular or reserve component of the Armed Forces. (This interpretation shall be disregarded in making computations of "service" for any other purpose or purposes.)

(6) Upon determination by the Commandant of the United States Coast Guard that enlistment, enrollment, appointment in, or assignment to, an organized unit of the United States Coast Guard Reserve is available to and can without undue personal hardship be filled by, a person obligated to serve for eight years under section

4(d)(3) of the Universal Military Training and Service Act, as amended, it shall be the duty of such reservist to enlist, enroll, or accept appointment in, or accept assignment to such organized unit and to serve satisfactorily therein.

### § 8.4305 Discharge.

In case the Commandant of the United States Coast Guard determines that transfer to or retention in the Coast Guard Reserve would not be in the best interests of the service, personnel with remaining obligated periods of service under the Universal Military Training and Service Act, as amended, may be discharged to effect complete separation from any military status.

### § 8.4306 Procedure.

The Commandant shall initiate proper administrative action to effect the transfer to or retention in the Coast Guard Reserve of personnel in an appropriate rate who have incurred obligated periods of service under the Universal Military Training and Service Act, as amended.

## TRANSFERS TO AND PLACEMENT IN RESERVE CATEGORIES

AUTHORITY: Sections 8.4401 to 8.4410 interpret or apply E.O. 10651, 21 FR 169, 3 CFR, 1956 Supp.

### § 8.4401 Assignment to Ready Reserve.

(a) *Original assignment.* Under instructions issued by the Commandant, the following persons shall be placed in the Ready Reserve upon becoming a member of the Coast Guard Reserve:

(1) Those who enter directly under the provisions of sections 261 and 262 of the Armed Forces Reserve Act, as amended.

(2) Those who enter directly under the provisions of section 6(c)(2)(C) of the Universal Military Training and Service Act, as amended.

(3) Those entering through appointment as a Reserve officer under the provisions of section 6(d) of the Universal Military Training and Service Act, as amended, who are required by section 208(a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(4) Those entering by transfer under the provisions of section 4(d)(3) of the Universal Military Training and Service Act, as amended, who are required by section 208(a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(5) Those entering directly through a voluntary appointment or enlistment who are required by section 208(a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(6) Those entering directly through a voluntary appointment or enlistment who are not required by law to serve in the Reserve but who voluntarily agree to assignment in the Ready Reserve for a period not to exceed 4 years as determined by the Commandant.

(b) *Assignment by transfer.* Under instructions issued by the Commandant, the following persons may be placed in the Ready Reserve:

(1) Those Standby Reservists provided for in § 8.4409 who were screened out of the Ready Reserve prior to completion of their Ready Reserve obligation.

(2) Subject to the provisions of paragraph (c) of this section, those Standby and Retired Reservists who request transfer to the Ready Reserve if a requirement exists and they are found to be qualified.

(c) *Voluntary agreements to remain in the Ready Reserve.* The Commandant shall require that all persons who have completed their Ready Reserve obligation and who desire to remain in the Ready Reserve and all Standby Reservists who voluntarily request transfer to the Ready Reserve agree to remain in the Ready Reserve. All such agreements shall provide, but need not be limited to, the following:

(1) The period of voluntary membership shall be of not less than one year's duration.

(2) The Reservist may be transferred to the Standby Reserve at any time for cogent reasons.

(3) The Reservist waives his right to transfer to the Standby Reserve during the period of the agreement.

[CGFR 56-29, 21 FR 5622, July 26, 1956]

**§ 8.4402 Assignment to Standby Reserve.**

(a) *Active status*—(1) *Original assignment.* Under instructions issued by the Commandant, the following persons may be directly placed in the Standby Reserve in an active status without prior membership in the Ready Reserve:

(i) Upon release, those persons subject to the provisions of section 4(d)(3) of the Universal Military Training and Service Act, as amended, who have served for 5 or more years on active duty but who have an unfulfilled portion of their total statutory obligation.

(ii) Those persons directly entering the Reserve from civil life through a voluntary appointment or enlistment who are not serving under a statutory obligation and are not otherwise subject to military service.

(2) *Assignment by transfer for failure to execute agreement.* Under instructions issued by the Commandant, the following members who are otherwise qualified to remain in the Ready Reserve and for whom a suitable vacancy exists shall be transferred to the Standby Reserve in an active status upon a finding that they have declined an opportunity to execute an agreement provided for in § 8.4401(c).

(i) Those who have served on active duty for not less than a total of 5 years.

(ii) Those who have completed the periods of active duty and Ready Reserve participation prescribed in section 263 of the Armed Forces Reserve Act, as amended.

(iii) Those who have served on active duty and participated satisfactorily in an accredited training program of the Ready Reserve for a combined total of five or more years.

(iv) Those who have served on active duty for not less than twelve months between December 7, 1941 and September 2, 1945 and for an additional period of not less than twelve months subsequent to June 25, 1950 unless such transfer would render them liable to induction for active training and service.

(v) Those who served as a member of one or more Reserve components for not less than eight years subsequent to September 2, 1945 unless such transfer would render them liable to induction for active training and service.

(3) *Assignment by transfer for lack of qualifications or lack of vacancies.* Under instructions issued by the Commandant, a member of the Ready Reserve who is not qualified to remain therein or for whom no suitable vacancy exists shall be transferred to the Standby Reserve in an active status and such a member need not be afforded an opportunity to remain in the Ready Reserve.

(4) *Assignment by transfer through screening program.* Under instructions issued by the Commandant, those persons who are determined to come within the screening provisions contained in § 8.4407 shall be transferred to the Standby Reserve.

(b) *Inactive Status List.* (1) Members who on January 1, 1953, were on the Inactive Status List created by Title III of the act of June 29, 1948, as amended (62 Stat. 1087), shall be deemed to have retained such inactive status unless and until removed therefrom in accordance with the regulations contained in this part.

(2) When deemed by the Commandant to be in the best interests of the Coast Guard, he may transfer personnel in the Standby Reserve on inactive duty who are not required to remain members of a reserve component and who are unable to participate in prescribed training to the Inactive Status List, provided that persons who qualify for retirement under Title III of the act of June 29, 1948, as amended (62 Stat. 1087), except for age, may still be placed on the Inactive Status List as provided in that act.

(3) A Reserve officer who fails to attain the minimum number of points (not to exceed 12 per anniversary year exclusive of the 15 membership points) prescribed by the Commandant for retention in an active status or who fails to conform to such standards and qualifications as may be prescribed by the Commandant for retention in an active status shall, unless transferred to the Retired Reserve or discharged, be transferred to the Inactive Status List. In lieu of transfer to the Inactive Status List pursuant to this section, a Reserve officer shall, if he applies and is found qualified

therefor, be transferred to the Retired Reserve.

(c) *Restoration to an active status.* Personnel assigned to the Inactive Status List of the Standby Reserve may be transferred by the Commandant to the Standby Reserve in an active status or to the Ready Reserve upon request therefor and provided that vacancies exist within their grades or rates and specialities. The Commandant may require that personnel requesting restoration to an active status indicate the nature and extent of training activities in which they are able and plan to participate.

(d) Under instructions issued by the Commandant, a report shall be made to the Selective Service System whenever a member is transferred to or from the Standby Reserve or whenever a member of the Standby Reserve is discharged.

(e) Under instructions issued by the Commandant, members may be voluntarily retained in the Standby Reserve beyond the expiration of their statutory obligation.

(f) *Determination of availability by the Selective Service System.* No member of the Standby Reserve may be ordered, without his consent, to active duty in time of war or national emergency declared by the Congress, or when otherwise authorized by law, subsequent to August 9, 1955, until the Director of Selective Service has determined that such member is available for active duty. Nothing in this section shall be construed to prevent a member of the Standby Reserve from volunteering for and being ordered to active duty at any time without a determination of availability by the Director of Selective Service.

[CGFR 53-28, 18 FR 3619, June 24, 1953, as amended by CGFR 56-19, 21 FR 5622, July 26, 1956; CGFR 58-12, 23 FR 7069, Sept. 12, 1958]

### § 8.4403 Anniversary year defined.

As used in §§ 8.4404 and 8.4405, anniversary year is defined as follows:

(a) For persons who were members of a Reserve component of the Armed Forces on 1 July 1949 and so long as they remain continuously in a Federal service status, an anniversary year commences on July 1 of each year and terminates on June 30 of the following year.

(b) For persons who become members of a Reserve component or otherwise enter into a Federal service status subsequent to July 1, 1949, and so long as they remain continuously in such status, an anniversary year commences on the date such status attaches and terminates on the day preceding the anniversary of this date.

(c) For persons who have incurred a break in Federal service and who subsequently become members of the Coast Guard Reserve, an anniversary year commences on the date they accept such membership and terminates on the day preceding the anniversary of this date.

[CGFR 53-28, 18 FR 3619, June 24, 1953]

### § 8.4404 Accredited training programs.

For the purpose of meeting service requirements to qualify for transfer from the Ready Reserve to the Standby Reserve under § 8.4402(a)(1)(iv), the following are prescribed as accredited Reserve training programs:

(a) *Prior to July 1, 1949.* Membership in a Reserve component of any of the Armed Forces.

(b) *Between July 1, 1949, and the anniversary date first occurring subsequent to June 30, 1953.* Any training program authorized by the Commandant which afforded a Reservist the opportunity to earn a minimum of fifty retirement points per anniversary year under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087).

(c) *Between the anniversary date first occurring subsequent to June 30, 1953 and August 9, 1955.* Any training program authorized by the Commandant which affords the Reservist the opportunity to perform a minimum of fourteen days active duty for training in addition to the opportunity to earn a minimum of fifty retirement points per anniversary year under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087). In the event the Commandant determines that it is not practicable to incorporate fourteen days active duty for training into a training program due to insufficient funds or facilities, or for other cogent reasons, the lack of this requirement shall not affect the accreditation of such a training program.

(d) *Subsequent to August 9, 1955.* (1) Any training program authorized by the Commandant under the training categories prescribed in § 8.5311.

[CGFR 53-28, 18 FR 3619, June 24, 1953, as amended by CGFR 56-19, 21 FR 5622, July 26, 1956]

### § 8.4405 Satisfactory participation in accredited training program.

For the purposes enumerated in paragraph (m) of this section, the following is prescribed as satisfactory participation:

(a) *Prior to July 1, 1949.* Membership in a reserve component of any of the Armed Forces.

(b) *Between July 1, 1949, and the anniversary date first occurring subsequent to June 30, 1953.* Membership in an accredited training program on inactive duty and the earning of a minimum of fifty retirement points per anniversary year under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087).

(c) *Between the anniversary date first occurring subsequent to June 30, 1953 and August 9, 1955.* (1) Membership in any training unit of an accredited training program and attendance at a minimum of twenty-one periods of inactive duty training conducted by any such unit plus the performance of a minimum of fourteen days of active duty for training per anniversary year.

(2) If the cognizant District Commander certifies that membership in a training unit of any Reserve component is not available because of billet structure or geographic location:

(i) Attendance at a minimum of twenty-one periods of appropriate duty and one fourteen day period of active duty for training per anniversary year, or

(ii) Completion of a minimum of twenty-one point credits in approved correspondence courses of the Armed Forces and one fourteen day period of active duty for training per anniversary year.

(d) *Reduction or waiver of active duty requirement until August 9, 1955.* In the event the Commandant determines that it is not practicable to require that members of the Ready Reserve perform fourteen days' active duty for training in any anniversary year due to insufficient funds or facilities, or for other cogent reasons, or for reasons of personal hardship, he may reduce or waive this requirement for all or any part of the Ready Reserve.

(e) *Pro rata credit for inactive duty training until August 9, 1955.* Subsequent to June 30, 1949, inactive Reserve training in scheduled drills, equivalent instruction or duty, appropriate duty, active duty for training, or completion of correspondence courses, as appropriate, shall be creditable on a monthly basis if the Reservist earns a minimum of three points per month (exclusive of the annual fifteen point credits given for membership in the Reserve) under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087), and provided that such Reservist held membership in a Reserve component for the entire month in which such points are sought to be credited.

(f) *Credit upon transfer to Coast Guard Reserve.* For purposes of this section, and upon transfer of personnel to the Coast Guard Reserve from another Armed Force, any service held to be satisfactory participation in an accredited training program in the losing Armed Force shall be creditable toward transfer to the Standby Reserve of the Coast Guard Reserve.

(g) *Subsequent to August 9, 1955.* Membership and satisfactory performance of duty in any training program authorized by the Commandant under the training categories prescribed in § 8.5311 and, except as provided for in paragraph (h) of this section, participation to the extent prescribed for the training category to which assigned.

(h) *Reduction of satisfactory participation subsequent to August 9, 1955.* The Commandant may reduce the requirements for satisfactory participation as follows:

(1) The following personnel may be permitted not more than 10 per centum unexcused absence from scheduled drills or training periods:

(i) Members subject to the provisions of section 208(f) of the Armed Forces Reserve Act, as amended.

(ii) Members who are deferred or exempted under sections 4(c)(2) and 6(c)(1) of the Universal Military Training and Service Act, as amended.

(2) All other personnel may be permitted not more than 25 per centum unexcused absence from scheduled drills or training periods.

(i) *Compliance measure.* (1) Members of the Ready Reserve subject to the training requirements of section 208(f) of the Armed Forces Reserve Act, as amended (except those enlisted under the provisions of Clause C, paragraph (2), subsection 6(c) of the Universal Military Training and Service Act, as amended) who in any year fail to participate satisfactorily as prescribed in this section may, under instructions issued by the Commandant, be ordered to perform, without their consent, additional active duty for training for not more than 45 consecutive days.

(2) If failure to participate satisfactorily occurs during the final year of obligatory membership in the Ready Reserve, such membership shall be extended by such period of time, not to exceed 6 months, as may be required for the performance of not more than 45 consecutive days of active duty for training.

(j) *Excused absences.* Under instructions issued by the Commandant, failure to attend scheduled drills or training periods or annual active duty for training as the result of sickness, injury, emergency, or other circumstances beyond the control of the member may be excused. If excused, such failure shall not of itself prevent the crediting of satisfactory participation.

(k) *Cancellation of draft deferment.* (1) The following members registered with the Selective Service System who are in a draft-deferred status and who fail to serve satisfactorily shall be reported to that agency but only after the 45 day compliance measure has failed to induce satisfactory performance of training duty:

(i) Those enlisted pursuant to section 262 of the Armed Forces Reserve Act, as amended.

(ii) Those appointed as commissioned officers pursuant to section 6(d) of the Universal Military Training and Service Act, as amended, who have not been ordered to perform at least two years of active duty.

(2) Members registered with the Selective Service System who are in a draft-deferred status because they were enlisted pursuant to section 6(c)(2)(C) of the Universal Military Training and Service Act, as amended, and who fail to serve satisfactorily shall be reported to that agency immediately upon such failure since they are not subject to the 45 day compliance measure.

(3) No member shall be reported to the Selective Service System until he has registered with that agency.

(l) *Revocation of commission.* Members commissioned under section 6(d) of the Universal Military Training and Service Act, as amended, who are in a draft-deferred status and who fail to serve satisfactorily will have their commissions revoked but only after they have been reported to the Selective Service System.

(m) *Purposes of section.* The criteria prescribed in this section shall be used to determine satisfactory participation for the following purposes:

(1) Transfer from the Ready Reserve to the Standby Reserve: *Provided,* That beginning with the anniversary year first commencing after 30 June 1958, unless the Commandant provides for other training categories to be added, only satisfactory participation while assigned to training Categories A, B, and H shall be creditable.

(2) Fulfillment of the training requirements established by section 208(f) of the Armed Forces Reserve Act, as amended.

(3) Employment of the 45 day compliance measure.

(4) Continued deferment from induction of members pursuant to sections 4(c)(2), 6(c)(2)(C), 6(d)(1), and 6(d)(2) of the Universal Military Training and Service Act, as amended.

(5) Continued deferment from induction of members pursuant to section 262 of the Armed Forces Reserve Act, as amended.

(6) Continued exemption from induction of members pursuant to section 6(c)(1) of the Universal Military Training and Service Act, as amended.

(7) Revocation of commissions pursuant to sections 6(d)(1) and 6(d)(2) of the Universal Military Training and Service Act, as amended.

(8) Identification of an organized unit as defined in section 16(h) of the Universal Military Training and Service Act, as amended.

(9) Transfer from one training category to another under instructions issued by the Commandant.

[CGFR 53-28, 18 FR 3619, June 24, 1953, as amended at CGFR 56-19, 21 FR 5622, July 26, 1956; CGFR 58-12, 23 FR 7070, Sept. 12, 1958]

### § 8.1106 Assignment to Retired Reserve.

(a) Except as provided by paragraph (e) of this section, the following members of the Coast Guard Reserve shall, upon their application, be placed in or transferred to the Retired Reserve by the Commandant and their names shall be placed upon a Coast Guard Reserve Retired List established by § 8.1106(c):

(1) Reservists who have completed a total of twenty years of honorable service in any component of the Armed Forces or Armed Forces without component including those Reserve components enumerated in section 306(c) of Title III of the act of June 29, 1948, as amended (62 Stat. 1087).

(2) Reservists who have been found physically disqualified for active duty as a result of a service-connected disability regardless of total years of service and regardless of age. This subparagraph shall be liberally applied and shall be extended to all cases in which there is any reasonable relationship between military service and disability.

(3) Reservists who have been retired or granted retired pay under any provision of law.

(4) Reservists who have attained the age of 62 years regardless of length of service unless retained until age 64 pursuant to law.

(b) Except as provided by paragraph (e) of this section, the following members of the Coast Guard Reserve may, upon their application, be placed in or transferred to the Retired Reserve by the Commandant and if so transferred, their names shall be placed upon a Coast Guard Reserve Retired List established by § 8.1106(c):

(1) Reservists who, having attained the age of 37 years, have completed a minimum of eight years of satisfactory Federal service as defined in section 302(b) of Title III of the act of June 29, 1948, as amended (62 Stat. 1087).

(2) Reservists who, having attained the age of 37 years, have completed a minimum of eight years of satisfactory Federal service as defined in section 306(b) of Title III of the act of June 29, 1948 as amended (62 Stat. 1087), provided they have served honorably on active duty in time of war or national emergency for at least six months.

(3) Reservists who have been found physically disqualified for active duty or Reserve officers who have attained the years in age and grade as indicated in the following table:

| | |
|---|---|
| Commander | 58 |
| Lieutenant Commander | 52 |
| Lieutenant | 46 |
| Lieutenant (junior grade) | 40 |
| Ensign | 40 |
| Commissioned warrant officer | 40 |
| Warrant officer | 40 |

Provided they meet one of the following requirements:

(i) Honorable service on active duty between April 6, 1917 and November 11, 1918, or between September 9, 1940 and December 31, 1946, or between December 16, 1950 and a terminal date to be fixed by the Commandant.

(ii) At least ten years of honorable service.

(iii) Hold a combat award.

(iv) Have qualifications that could usefully be employed on active duty in a capacity consistent with the physical disability.

(v) Have other extraordinary considerations which would justify transfer to the Retired Reserve.

(c) Notwithstanding any other provisions of the regulations in this part, the following former members of the Coast Guard Reserve may, upon their application and upon the recommendation of the Commandant, be reappointed or reenlisted in the same rank or rate with the date of rank or rate in which they were previously separated: *Provided*, That simultaneously with the submission of such application they apply for and are found to be qualified for immediate placement in the Retired Reserve. To be found qualified for such placement, they must meet one of the conditions prescribed in paragraphs (a) and (b) of this section as of the date of their last separation from the Reserve. The names of persons so reappointed or reenlisted shall be placed upon a Coast Guard Reserve Retired List established by § 8.1106(c):

(1) Former members who, because of their failure to meet the prescribed physical standards in effect at the time of separation, were involuntarily separated or not offered reenlistment or reappointment.

(2) Former members whose separation was effected by reason of attainment of the statutory age limit in effect at the time of separation.

(d) Upon placement in or transfer to the Retired Reserve, a Reservist's name shall be placed on a Coast Guard Reserve Retired List in his permanent grade, or in the highest temporary grade in which he served satisfactorily as determined by the Commandant, unless entitled to be retired in a higher grade according to law.

(e) A member may be discharged in lieu of placement in or transfer to the Retired Reserve even though he meets one or more of the requirements contained in this section if the Commandant determines, upon the recommendation of a board of officers convened pursuant to section 249 of the act of July 9, 1952 (66 Stat. 495), that his separation from the Coast Guard Reserve is desirable and warranted based upon his entire record of service.

[CGFR 53-39, 18 FR 8581, Dec. 19, 1953, as amended by CGFR 56-19, 21 FR 5623, July 26, 1956]

### § 8.4407 Screening of the Ready Reserve.

(a) *Policy.* As prescribed by the President, the Commandant shall provide for the continuous screening of the Ready Reserve. Such screening shall insure that the Ready Reserve is composed of members who:

(1) Meet age requirements and service standards of mental, moral, professional, and physical fitness.

(2) Possess the required military qualifications in the various ranks, grades, ratings, and specialities.

(3) Are immediately available for active military service during a national emergency without seriously impairing production and research vital to the national military effort or activities necessary to maintenance of the national health, safety or interest, or without creating extreme personal or community hardship.

(b) *Disposition of members.* (1) Members of the Ready Reserve who do not meet age requirements or standards of mental, moral, professional, and physical fitness shall be transferred to the Standby Reserve, upon application placed in the Retired Reserve, if qualified, or discharged, as appropriate.

(2) Other members of the Ready Reserve who are determined to come within the regulations prescribed by the President and within this section of these regulations shall be transferred to the Standby Reserve under instructions issued by the Commandant.

(c) *Preference for transfer.* As between members of the Ready Reserve who are otherwise equally eligible, preference for transfer to the Standby Reserve shall be accorded in the following order:

(1) Those who have participated in combat.

(2) Those who have the least amount of remaining obligated service in the Ready Reserve.

(d) *Criteria for transfer to the Standby Reserve in certain instances*—(1) *Fulfillment of Ready Reserve obligation.* Upon a finding that a member of the Ready Reserve has fulfilled his Ready Reserve obligation and that he has failed to execute a written agreement to remain in the Ready Reserve for a minimum period of one year, such member shall be transferred to the Standby Reserve.

(2) *Elective and appointive officials.* Upon a finding that a member of the Ready Reserve has failed to execute a written agreement to remain in the Ready Reserve and that he comes within one of the below listed categories, such member shall be transferred to the Standby Reserve:

(i) Vice President of the United States.

(ii) Member of the Cabinet.

(iii) Presidential appointee requiring Senate confirmation.

(iv) Governor of a State, Territory or possession.

(v) Member of the legislative body of the United States, or of a State, Territory or possession.

(vi) Judge of a court of record of the United States or of a State, Territory or possession, or of the District of Columbia.

(vii) Any other official chosen by the voters of an entire state, territory or possession.

(3) *Extreme personal hardship.* A member of the Ready Reserve desiring transfer to the Standby Reserve must establish by documentary evidence that his dependents would, by his call to active duty, suffer extreme hardship greater than that which dependents of other Reservists can be expected to experience from the Reservist's order to active duty. In order to insure a uniform standard, the specific criteria established by the Commandant shall conform generally with current Selective Service regulations on extreme hardship deferment. In cases where the Reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Service of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist or by his dependents.

(4) *Extreme community hardship.* A member of the Ready Reserve desiring transfer to the Standby Reserve must establish by documentary evidence that his withdrawal from the community in a national emergency would have a substantial adverse effect on the health, safety, or welfare of the community. In cases where the Reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Service of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist.

(5) *Critical civilian occupations.* Members of the Ready Reserve who are engaged or employed in critical civilian occupations as established by the Secretary of Labor, shall be transferred to the Standby Reserve, in such numbers as are in excess of the requirements of the Ready Reserve except that no person shall be transferred hereunder who possesses a critical military skill as established for the Coast Guard or who volunteers to remain in the Ready Reserve and executes a written agreement to remain in such Reserve for a minimum period of one year.

(6) *Utilization of volunteers with critical civilian occupations.* Members of the Ready Reserve in excess of requirements with critical civilian occupations who have been selected for transfer to the Standby Reserve and who then volunteer and execute a written agreement to remain in the Ready Reserve for a minimum period of one year shall, if requirements exist, be given a military assignment utilizing their critical civilian occupations. If no military requirements exist for their critical civilian occupations and they possess other critical military skills, they shall be utilized in such skills. If no requirements exist for them in a critical occupation or in a critical military skill, they shall be utilized, insofar as possible, in related military assignments.

(7) *Critical military skills.* Members of the Ready Reserve who possess a critical military skill, as established for the Coast Guard, shall be transferred to the Standby Reserve in such numbers as are in excess of requirements of the Ready Reserve.

(8) *Apprentices and students.* Members of the Ready Reserve who are apprentices or students shall be transferred to the Standby Reserve in accordance with the following subdivisions of this subparagraph except that no person shall be transferred hereunder who has not had active training and service, possesses a critical military skill or volunteers and executes a written agreement to remain in the Ready Reserve for a minimum period of one year.

(i) *Apprentices.* Members of the Ready Reserve who are undergoing apprenticeship training in critical civilian occupations and who meet the standards and requirements established by the Department of Defense shall be transferred to the Standby Reserve in such numbers as are in excess of the requirements for the Ready Reserve for such occupations. At such time as the Reservist ceases to qualify for consideration as an apprentice, he shall be considered for transfer to the Ready Reserve.

(ii) *Students.* Members of the Ready Reserve who are students in colleges or universities pursuing studies that will qualify them for critical civilian occupations and who meet the standards and requirements established by the Department of Defense shall be transferred to the Standby Reserve. Excluded from consideration are those students enrolled or enlisted in programs leading to appointment to commissioned rank. At such time as the Reservist ceases to qualify for consideration as a student, he shall be considered for transfer to the Ready Reserve.

(9) *Ministerial students.* Members of the Ready Reserve who are preparing for the ministry in a recognized theological or divinity school shall be transferred to the Standby Reserve unless they execute a written agreement to remain in the Ready Reserve for a minimum period of one year.

(10) *Ready Reservists not otherwise provided for.* (i) Members of the Ready Reserve not immediately available for active duty as determined by the Commandant for reasons not otherwise specified in this section shall be transferred to the Standby Reserve.

(ii) Members of the Reserve who possess military skills in excess of requirements of the Ready Reserve shall be transferred to the Standby Reserve in such numbers as are in excess of requirements in order to maintain a proper balance of such skills within the grade, rank and rate structure of the Ready Reserve.

(11) *Exceptions.* Members of the Ready Reserve who are serving pursuant to the provisions of sections 263(a) and 263(b) of the Armed Forces Reserve Act of 1952, as amended, shall not be eligible for transfer to the Standby Reserve under paragraphs (d)(5), (7), (8), and (10) of this section.

[CGFR 56-10, 21 FR 2618, Apr. 24, 1956, as amended by CGFR 56-22, 21 FR 4050, June 13, 1956]

### § 8.1108 Members who become liable for induction if screened into the Standby Reserve.

Members of the Ready Reserve provided for in section 6(b)(2) and section 6(c)(1) of the Universal Military Training and Service Act, as amended, are exempt from induction so long as they serve satisfactorily as members of an organized unit of the Reserve. Therefore, such members within the ages of Selective Service liability may, if screened into the Standby Reserve, lose such exempt classification. Such members who meet the criteria for transfer into the Standby Reserve shall be given ample opportunity to volunteer to remain in the Ready Reserve if they are qualified.

[CGFR 56-10, 21 FR 2619, Apr. 24, 1956]

### § 8.1109 Transfer of Standby Reservists with Ready Reserve obligation.

(a) Members of the Standby Reserve who have not completed their obligated period of military service in the Ready Reserve shall be transferred to the Ready Reserve, if qualified and a requirement exists, whenever the reason for their transfer to the Standby Reserve no longer exists.

(b) With respect to those persons with critical skills who served on active duty for training for six months and were subsequently transferred to the Standby Reserve prior to completion of their Ready Reserve obligation, the Commandant shall transfer such persons to the Ready Reserve, if they are qualified and requirements exist, whenever such persons cease to be employed in critical defense supporting industries or research activities affecting national defense.

[CGFR 56-10, 21 FR 2619, Apr. 24, 1956]

### § 8.1110 Reports.

The Commandant shall make such periodic reports to the Secretary of the Treasury concerning the screening of the Ready Reserve of the Coast Guard as may be required.

[CGFR 56-10, 21 FR 2620, Apr. 24, 1956]

## INSTRUCTION AND TRAINING

### INSTRUCTION AND TRAINING POLICY AND ASSIGNMENT OF INSTRUCTORS FOR COAST GUARD RESERVE

### § 8.5101 Instruction and training policy.

It is the policy to provide for the instruction and to conduct the training of Reservists so as to obtain trained personnel in numbers and composition to augment the forces of the Coast Guard in time of war or national emergency.

[6 FR 1936, Apr. 15, 1941]

### § 8.5102 Responsibility for Instruction and Training.

(a) The Commandant is charged with the instruction and training of the Reserve and prescribes the details of instruction and training of Reservists, both ashore and afloat.

(b) The District Commanders of the several Coast Guard districts, under the supervision of the Commandant, are charged with the instruction and training of Reservists under their jurisdiction.

(c) Special classes of instruction composed of officers and men may be organized by the District Commanders without reference to the Commandant.

[6 FR 1936, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

### § 8.5103 Officers of the regular Coast Guard as directors and instructors of Reservists.

(a) When practicable and desirable, Headquarters will detail officers of the regular Coast Guard as directors of the Reserve and as Reserve instructors. The officers will be responsible to the District Commander under whom they serve.

(b) District Commanders shall assign regular officers assigned the districts to additional duty to assist in the instruction and training of the Reservists under their jurisdiction.

[6 FR 1936, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

### § 8.5104 Officers of the Reserve assigned to duty on District Commander's staff to instruct Reservists.

District Commanders may appoint officers of the Reserve, including those in both active and inactive duty status, to duty on their staffs to assist in the instruction and training of Reservists, but may not place any Reserve officer on active duty for this purpose.

[6 FR 1936, Apr. 15, 1941, as amended by CGFR 58-12, 23 FR 7068, Sept. 12, 1958; CGFR 61-55, 26 FR 12571, Dec. 28, 1961]

### § 8.5105 Commanding officers of units engaged in training Reservists.

Coast Guard officers in command of units engaged in training Reservists are charged with the task of providing the maximum training obtainable within the duration of the training period.

[6 FR 1936, Apr. 15, 1941]

### TRAINING OF RESERVE

### § 8.5301 Means of training provided for Reserve.

The following means of training are provided for the training of the Coast Guard Reserve:

(a) Training duty with pay.
(b) Training duty without pay.
(c) Regular drills.
(d) Appropriate duty.
(e) Equivalent instruction or duty.
(f) Group training.
(g) Annual training duty.

[CGFR 52-1, 17 FR 2502, Mar. 22, 1952]

### § 8.5302 Training duty with pay.

(a) Except as prescribed in paragraph (b) of this section or except as authorized by the Commandant, personnel shall not be assigned tours of active duty for training with pay in excess of 15 consecutive days per year, exclusive of travel time.

(b) The following members of the Ready Reserve may perform tours of active duty for training with pay in excess of 15 but not more than 90 consecutive days per year:

(1) Those assigned to training Category H.

(2) Those who are ordered to undergo a course of training appropriate to their military specialties.

(3) Those who are ordered for duty in connection with:

(i) Staff and faculty for service schools or training stations.

(ii) Special exercises ashore or afloat.

(iii) Projects relating to the Reserve program including support for operation of training camps and training ships, when appropriate personnel in active military service are not available for the duties to be performed and if such duties are essential to the organization and training program and are beyond the services which the active force of the Coast Guard normally provides for the support of the Reserve.

(iv) Failure to participate satisfactorily as required by section 208(f) of the Armed Forces Reserve Act, as amended.

(v) The 3 to 6 months active duty for training program.

(vi) The 6 months active duty for training program for graduates of an officer candidate training program.

(c) Within the quotas prescribed by the Commandant, District Commanders may approve requests for authorized tours of active duty for training and issue orders therefor.

(d) Physical examinations shall be conducted in accordance with § 8.1406.

(e) Fitness reports shall be submitted on all officers in accordance with § 8.1607.

[CGFR 56-19, 21 FR 5623, July 26, 1956]

**§ 8.5303 Training duty without pay.**

(a) Reservists may be permitted on their own application to perform training or other duty without pay and allowances and without expense to the Government for the travel to and from such duty. District Commanders are authorized to approve such requests and to issue necessary orders where duty is to be performed at activities or aboard vessels within their jurisdiction. In case of requests for training duty without pay in other districts or aboard vessels outside their jurisdiction, District Commanders receiving the requests will forward same with recommendation to the District Commander concerned for approval or disapproval. In any case where a reservist has applied for training duty without pay, District Commanders, in their discretion, may order such Reservists to perform training duty without pay but with expense to the Government for travel to and from training duty and for subsistence during the performance of such duty. In such cases, orders should specify that transportation and subsistence is at Government expense.

(b) In cases where time does not permit securing the approval of the District Commander concerned, requests may be made to the senior officer present of any Coast Guard force who is authorized to approve such requests if available accommodations and other circumstances warrant such action, informing the District Commander concerned.

(c)(1) District Commanders are authorized to issue authority to any Reservist to perform repeated periods of training or other duty, without pay, at the activities of units or on board vessels within their jurisdiction. Such authority may cover a period not in excess of one year, but may be renewed from year to year by the District Commander.

(2) The authorization to perform the duty shall be retained at the unit or on board the vessel where the duty is performed, until it expires or is cancelled. At the expiration of each period, it shall be indorsed by the commanding officer as to date and time of reporting and detachment, and by the Reservist performing the duty as to disease or injury incurred or aggravated while in a duty status. Completed copies of the indorsements shall then be forwarded to the District Commander and a copy retained for future reference. Upon completion of the final period of repeated training the indorsed orders shall be forwarded to the District Commander.

(3) A separate fitness report need not be submitted for officers for each repeated period of training or other duty, but a fitness report shall be submitted at the end of the period covered by the authorization.

(4) Officers who hold effective letters of authority to solo Coast Guard

aircraft, may be authorized to make flights under authority for repeated periods of duty, in the same manner as they are authorized to perform flights while in an inactive duty status.

(d) Reservists performing training duty without pay, except as indicated in §§ 8.1401(b)(2) and 8.1404(a) shall be examined physically and found qualified therefor prior to commencement of such duty, and shall again be examined physically upon completion thereof, and entries made in health records. In addition, Reservists shall have been vaccinated and given antityphoid prophylaxis, and entries to that effect made in their health records prior to commencement of such duty.

(e) Fitness reports shall be submitted upon all officers performing training duty without pay, afloat or ashore, as required in § 8.1607(a)(2), and paragraph (c) of this section.

(f) An entry shall be made in fitness reports and enlisted records to indicate that duty performed was without pay. If records of enlisted men are not available on board ships in which training duty without pay is performed, the District Commander concerned will be furnished the necessary information for entry in such records as required in this section.

[6 FR 1937, Apr. 15, 1941, as amended by CGFR 52-1, 17 FR 2502, Mar. 22, 1952; CGFR 58-12, 23 FR 7068, Sept. 12, 1958]

### § 8.5304 Regular drills.

(a) Regular drills will consist of training in duties pertaining to the Coast Guard, as designated from time to time by the Commandant in separate instructions.

(b) Regular drills must be:

(1) A period of not less than two (2) hours' duration, and may be conducted on any day of the week, holidays included.

(2) Conducted not more frequently than once during any one calendar week, except those for aviation units which may be conducted not more frequently than three (3) times during any one day, not more than three (3) times during any one calendar week, nor more than four (4) times during any one month.

(3) Conducted not more frequently in any one fiscal year than the maximum number prescribed by the Commandant from time to time for the authorized units of the Coast Guard Reserve.

(4) Designated quarterly in advance by the Commandant or in those authorized units in which the Commanding Officer is charged with developing the training curriculum, approved quarterly in advance by the District Commander.

(c) When required due to inadequacy of space or facilities or to facilitate training, authorized units may be authorized by the Commandant to drill in increments on different days.

(d) Coast Guard Reserve personnel, in appropriate cases to be determined by the District Commander, may attend training drills of Reserve Components of the other Armed Forces in which their members receive points: *Provided*, That such attendance is in accordance with current inter-service agreements and that proper arrangements have been made with the local Commanding Officers.

[CGFR 52-1, 17 FR 2502, Mar. 22, 1952]

### § 8.5305 Appropriate duty.

(a) The purpose of appropriate duty is to enable the Commandant, District Commanders, and the Commanding Officers of authorized units to accomplish various tasks and effect training of Coast Guard Reserve personnel who are not on active duty or on active duty for training.

(b) Periods of appropriate duty shall consist of not less than two (2) hours' duration. Duty performed in one calendar week may not be credited in a subsequent calendar week.

(c) The Commandant and District Commanders may authorize reservists to perform periods of appropriate duty by the issuance of written orders which stipulate:

(1) That the Reservists is authorized to perform appropriate duty, with or without pay, as the case may be.

(2) That the nature of the duty to be performed will consist of work assignments or similar duties which are commensurate with grade or rate.

(3) The number of periods of appropriate duty which may be performed.

(d) Commanding Officers of authorized units may authorize personnel assigned to their units to perform, without pay, periods of appropriate duty in connection with the administration of the units or the instruction of the members thereof, by the issuance of orders which stipulate:

(1) That such duty is to be performed without pay.

(2) The nature of the duty to be performed.

(3) The number of periods of appropriate duty which may be performed.

(e) The Commandant may prescribe the maximum number of periods of appropriate duty that may be performed by any reservist in any one fiscal year.

[CGFR 52-1, 17 FR 2502, Mar. 22, 1952]

### § 8.5306 Equivalent instruction or duty.

(a) Periods of equivalent instruction or duty are analogous to regular drills and may be performed for the sole purpose of substituting for regular drills which were missed. Under instructions issued by the Commandant, the commanding officer will determine which members of his unit may perform such instruction or duty.

(b) Subject to instructions issued by the Commandant, periods of equivalent instruction or duty may be performed with or without pay and shall be scheduled in advance by the Commanding Officer of the unit or by the District Commander who will coordinate such periods of equivalent instruction or duty with the Commanding Officer of the facility where training is to be conducted. The Commanding Officer of the appropriate unit will certify periods of equivalent instruction or duty as having been performed. In areas where 2 or more units are located within a reasonable distance of each other and in the same Coast Guard district, the District Commander may schedule periods of equivalent instruction or duty to be attended by members of all such units who are authorized by their commanding officers to perform such instruction or duty.

(c) Equivalent instruction or duty must be:

(1) A period of not less than 2 hours' duration but, in any event, not less than the duration of a regularly scheduled drill.

(2) Conducted on a day other than the one on which a regular drill is scheduled for the individual or for the unit.

(3) Performed by the member not more frequently than is prescribed by the Commandant.

(d) Members assigned to interservice training shall be allowed to perform periods of equivalent instruction or duty with or without pay under the same circumstances and to the same extent as is prescribed for members of the unit belonging to the service conducting the training except that interservice trainees not assigned in a drill pay status shall not be allowed to perform equivalent instruction or duty with pay.

(e) Periods of equivalent instruction or duty shall not be credited for purposes of competitive standing in any competition.

[CGFR 57-23, 22 FR 7054, Aug. 31, 1957]

### § 8.5307 Group training.

(a) Personnel of Organized or Volunteer Units of the Reserve may be authorized by the District Commander under written orders for training duty with or without pay, to perform short periods of less than four (4) days of group training duty on board vessels or at shore stations.

(b) Employment of a single set of orders is authorized for the individuals comprising a group, provided the grade or rate and unit to which attached is stated therein opposite their respective names.

(c) Physical examinations shall be in accordance with § 8.1404.

(d) Appropriate records shall be maintained by the District Commander.

[CGFR 52-1, 17 FR 2503, Mar. 22, 1952]

### § 8.5308 Annual training duty.

(a) The Commandant may prescribe annual training duty with pay for personnel of the Organized Reserve and the Volunteer Reserve to be performed on board vessels or at shore stations designated for this purpose.

(b) Quotas and instructions for such training shall be as determined by the Commandant.

[CGFR 52-1, 17 FR 2503, Mar. 22, 1952]

### § 8.5309 Minimum training requirements.

(a) Under the Reserve regulations prescribed in § 8.1106(c), the Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements and minimum standards of performance of training duty for retention of personnel in an active reserve status. The Commandant may transfer to the Inactive Reserve Status List any officer or enlisted man who fails to meet such minimum requirements and standards.

(b) The Commandant, with the approval of the Secretary of the Treasury, may prescribe the conditions under which officers and enlisted men who have been transferred to the Inactive Reserve Status List may become eligible for restoration to an active reserve status. The Commandant may transfer officers and enlisted men who become so eligible to an active reserve status.

(c) The Commandant, with the approval of the Secretary of the Treasury, may prescribe minimum training requirements for officer personnel to become eligible for promotion under §§ 8.3103 to 8.3112, inclusive; the names of officer personnel who thereafter fail to conform to such minimum training requirements, shall not be submitted to a promotion board and such personnel shall not receive consideration for promotion during any period in which they have failed so to conform.

[CGFR 61-55, 26 FR 12572, Dec. 28, 1961]

### § 8.5310 Multiple training periods.

Notwithstanding the restrictions contained in §§ 8.5304 and 8.5306 the Commandant may authorize multiple training periods in lieu of regular drills provided that not more than two drills or periods of equivalent instruction are conducted within one calendar day and that each is of at least four hours' duration.

[CGFR 56-19, 21 FR 5623, July 26, 1956]

### § 8.5311 Training categories.

(a) The following training categories are prescribed:

| Training category | Annual number of periods of inactive-duty training | Annual active duty for training |
|---|---|---|
| | | *Days* |
| A | 48 | 15 |
| B | 24 | 15 |
| C | 12 | 15 |
| D | 0 | 15 |
| E | 12 | 0 |
| F | Correspondence courses and extension courses | |
| G | No training | |
| H | 0 | 30 |
| I | Officers training programs | |

(b) The Commandant shall provide for the placement in and transfer between training categories of the following:

(1) All members of the Ready Reserve not on active duty.

(2) All members of the Standby Reserve voluntarily participating in training.

(3) All units designated as units of the Ready Reserve.

(c) In assigning units and members to training categories, the following policies, considerations, and limitations shall govern:

(1) The number of drills and amount of annual training shall be the minimum required to maintain the proficiency of the unit and the skill of the member.

(2) The personal circumstances of the member shall be taken into account to the degree that is consistent with military requirements.

(3) A member subject to the training requirements of section 208(f) of the Armed Forces Reserve Act, as amended, shall not be assigned to training Category G unless he has performed active service, and, under instructions issued by the Commandant, unless no training requirement exists for the member due to the mobilization requirements or because of the degree of military or civilian skill attained.

(4) A member who is exempt from induction under the provisions of section 6(c)(1) of the Universal Military Training and Service Act, as amended,

or who is deferred from induction under the provisions of sections 4(c)(2) or 6(d)(1) of the said act shall only be assigned to training Categories A, B, C, or E.

(5) No member shall be involuntarily placed in training Categories A, B, C, or E unless there is an appropriate drilling unit with a vacancy therein within reasonable commuting distance as determined by the Commandant.

(d) The Commandant may prescribe such additional training, not inconsistent with law, within any category as he deems necessary.

(e) Any member assigned to a unit need not be required to participate in training additional to that prescribed for the training category to which he is assigned.

[CGFR 56 19, 21 FR 5623, July 26, 1956, as amended by CGFR 58 12, 23 FR 7070, Sept. 12, 1958]

## COMMANDING OFFICERS OF VESSELS AND UNITS TO WHICH RESERVISTS REPORT FOR TRAINING DUTY; RESERVE INSTRUCTORS

### § 8.5401 Commanding officers of vessels and units to which Reservists report for training duty.

(a) District Commanders will, when ordering individual Reservists to training duty, with or without pay, to vessels or units, indicate the type of training it is desired the Reservists will be given during the training period.

(b) The type of training to be conducted will be such as to qualify the officer or man for active duty.

(c) Commanding officers of vessels and units will provide for the particular training indicated by assigning officers attached to the vessels or units additional duty to assist in the required training.

[6 FR 1937, Apr. 15, 1941, as amended by CGFR 58 12, 23 FR 7068, Sept. 12, 1958; CGFR 69 80, 34 FR 18035, Nov. 7, 1969]

### § 8.5402 Reserve instructors.

(a) Depending upon current availability, a limited number of officers of the regular Coast Guard will be issued orders by the Commandant to report to District Commanders for duty as instructors of Reservists in localities where their services are most needed or can be utilized in the training and instruction of Reservists. To further provide regular Coast Guard instructors, District Commanders shall recommend to the Commandant the issuance of additional duty orders as instructors of Reservists for officers most available and best suited for such duty. In making these recommendations, District Commanders shall endeavor to limit travel required of instructors as much as practicable, and shall give due consideration to the effect upon paramount duties of officers concerned.

(b) It is desirable, where travel is not involved, to use the regular officers and men of the recruiting services who are sufficiently trained to assist in the instruction and District Commanders shall make such arrangements as may be possible to that end.

(c) At localities distant from district offices, it is particularly desirable to take advantage of regular officers performing duty there for liaison and training aids, where travel is not involved. District Commanders should initiate action leading to use of such officers whenever their services from their regular duties permit.

[6 FR 1937, Apr. 15, 1941, as amended by CGFR 58 12, 23 FR 7068, Sept. 12, 1958; CGFR 69 80, 34 FR 18035, Nov. 7, 1969]

## INSTRUCTIONS AND TRAINING OF RESERVE

### § 8.5502 Organizations of Reservists to perform regular drills and training duty.

(a) The Commandant may authorize the formation of organizations of Reservists to perform regular drills and training duty.

(b) The number of organizations and their composition will be specified by the Commandant and will depend on the availability of funds for this specific purpose.

(c) Authorized organizations of the Reserve will be trained in accordance with instructions issued by the Commandant.

[6 FR 1937, Apr. 15, 1941, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

## DISCIPLINE, DISCHARGES, RESIGNATIONS AND RETIREMENTS

### DISCHARGES

SOURCE: Sections 8.6201 to 8.6210, CGFR 56-40, 22 FR 238, Jan. 11, 1957, unless otherwise noted.

### § 8.6201 Separation of Reservists.

(a) Commissioned officers, chief warrant officers, and warrant officers shall be separated only in the discretion of the Secretary.

(b) Enlisted personnel may be separated in the discretion of the Commandant.

(c) District Commanders shall separate enlisted personnel under the conditions prescribed in § 8.6206 and as directed by the Commandant.

(d) Commanding officers may separate enlisted personnel serving on active duty or active duty for training under the same conditions as apply to enlisted personnel of the Regular Coast Guard.

[CGFR 56-40, 22 FR 238, Jan. 11, 1957, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

### § 8.6202 Restrictions on separation.

(a) Except as provided in §§ 8.6208 and 8.6210, no officer who has completed three years of commissioned service shall be involuntarily separated except pursuant to the approved recommendation of a board of officers or the approved sentence of a court-martial.

(b) No member shall be separated by the issuance of a discharge under conditions other than honorable except upon a finding of one or more of the following:

(1) That the approved sentence of a court-martial was discharge under conditions other than honorable.

(2) That the approved findings of a board of officers recommended discharge under conditions other than honorable.

(3) That the member consented thereto in writing with waiver of court-martial or board proceedings.

### § 8.6203 Type and character of discharge certificates.

(a) Except as provided in paragraphs (b) and (c) of this section, members shall be separated with the same type and character of discharge certificate as is provided for personnel of the Regular Coast Guard under similar circumstances.

(b) If the type and character of discharge was in issue, a member who is separated pursuant to board action shall be issued the type and character of discharge certificate recommended by the board, as approved.

(c) Members who are dropped from the rolls as provided for in § 8.6208 will not be issued a discharge certificate.

(d) The type and character of separation as evidenced by the discharge certificate shall be entered in the service record.

### § 8.6204 Procedure for discharge generally.

Except as indicated in § 8.6205, the procedures for effecting the discharge of members shall be as prescribed for personnel of the Regular Coast Guard under similar conditions.

### § 8.6205 Composition and procedure for discharge by board action.

(a) All boards convened to consider the involuntary discharge of Reservists shall be composed as prescribed in § 8.1110 and shall be conducted in accordance with the provisions relating to boards of investigation as contained in the U.S. Coast Guard Supplement to the Manual for Courts-Martial.

(b) Each member whose name is referred to a board shall be accorded the rights of a party.

(c) Review and final action of all boards shall be as follows:

(1) By the Secretary if, as approved by the Commandant, the board recommended the separation of an officer.

(2) By the Commandant if, as approved by him, the board recommended retention of a member or recommended the discharge of an enlisted member.

[CGFR 56-40, 22 FR 238, Jan. 11, 1957, as amended by CGFR 69-80, 34 FR 18035, Nov. 7, 1969]

**§ 8.6206 Reasons for discharge of enlisted personnel.**

Unless otherwise indicated, the appropriate District Commander is authorized and directed to effect the discharge, without prior authority from the Commandant, of enlisted members for the following reasons and under the following conditions:

(a) *Expiration of enlistment.* Enlisted personnel shall, if otherwise eligible therefor, be discharged upon expiration of enlistment or upon expiration of enlistment as extended.

(b) *Fulfillment of service obligation.* Enlisted personnel having a military obligation pursuant to law shall, if otherwise eligible therefor, be discharged upon completion of the term of service required for fulfillment of such obligation. Personnel having such an obligation shall not be discharged upon fulfillment thereof in those cases where a portion of an enlistment or extension thereof remains to be served unless such discharge is authorized by the Commandant.

(c) *Convenience of the Government.* (1) Upon receipt of written evidence of acceptance of an appointment to commissioned or warrant status in any component of any Armed Force. Discharge will be effective as of the day next preceding acceptance of such an appointment.

(2) Upon receipt of written evidence of enlistment in a Reserve component of another Armed Force for the purpose of enrolling in an officer training program. Included in this category are those who will be enrolled in the aviation cadet or Reserve Officer Training Corps programs of the Army, Navy, or Air Force or in the Officer Candidate Course or Platoon Leaders Class of the U.S. Marine Corps. Discharge shall be effective as of the day next preceding acceptance of such an enlistment.

(3) Upon receipt of written evidence of enlistment in the Regular Army, Navy, Air Force, Marine Corps, or Coast Guard. Discharge shall be effective as of the day next preceding such enlistment.

(4) When inter-service transfers are authorized, discharge shall be effected as of the day next preceding the date of enlistment in the gaining Armed Force.

(5) Upon request of the individual concerned and after receipt of written evidence from a licensed physician that a woman member is pregnant.

(6) Upon request of the individual concerned and after receipt of written evidence that a woman member is the mother of a child under 18 regardless of the legal custody of the child or is the step-parent of a child under 18 and the child lives within the household of the woman for a period of more than 30 days a year.

(7) Upon receipt of formal notice from the Selective Service System or from competent military authority that a member has been inducted into the active service of another Armed Force. Discharge shall be effective as of the day next preceding the date of such induction.

(8) Upon request of the individual concerned and after receipt of written evidence that he has become a regular or duly ordained minister of religion.

(9) Other good and sufficient reasons when authorized or directed by the Commandant.

(d) *Physical disability.* Reservists who are found not physically qualified will be discharged only after review by the Commandant of the medical information received.

(e) *Hardship or dependency.* The discharge of Reservists by reason of hardship or dependency will be effected only after approval of the Commandant in each individual case and will be governed and processed in accordance with the provisions of the Personnel Manual. Special authority to direct discharge under certain conditions may be granted to specified commands by the Commandant when considered appropriate.

(f) *Minority.* The discharge of Reservists by reason of minority will be effected only after approval of the Commandant in each individual case and will be governed and processed in accordance with the provisions of the Personnel Manual. Special authority to direct discharge under certain conditions may be granted to specified commands by the Commandant when considered appropriate.

(g) *For cause.* (1) In any case in which it is considered that an enlisted person should not be retained in the Coast Guard Reserve, a detailed report including all available facts together with an appropriate recommendation shall be forwarded to the Commandant.

(2) If a discharge is recommended by reason of unsuitability, inaptitude, unfitness, or misconduct, the member concerned shall be so informed and shall be permitted to submit a statement in connection therewith, as provided in the Personnel Manual. Reports of civil convictions or fraudulent enlistments shall be submitted in accordance with the Personnel Manual and shall include a statement from the person concerned, if feasible, and a recommendation relative to disposition. If, in any case, the individual does not desire to submit a statement, a notation to this effect shall be made in his service record and shall be included in the report specified in paragraph (g)(1) of this section.

### § 8.6207 Reasons for discharge of officers.

(a) The following or similar reasons warrant recommendation for discharge of officers:

(1) Failure to keep the Commandant or appropriate District Commander informed of official residence.

(2) Failure to answer official correspondence.

(3) Willful declination or refusal to complete any administrative forms or procedures that may be directed by competent authority.

(4) Failure to maintain an acceptable standard of efficiency as indicated by fitness reports or other information evaluating professional fitness.

(5) Conduct of a character incompatible with exemplary standards of personal conduct, character, and integrity.

(6) Failure to appear for or pass prescribed physical examination.

(7) Upon a determination that an officer is a homosexual or exhibits, professes, or admits homosexual tendencies.

(8) Enlisting or accepting an appointment in the Regular component of the Coast Guard or in any component of another Armed Force.

(9) Upon a determination that retention of an officer is not clearly consistent with the interest of national security as applied to current military security standards.

(10) Under the conditions and upon reaching the maximum age prescribed in § 8.6210.

(11) Circumstances not covered in this section in which the Commandant considers that a board should evaluate an officer's worth to the service.

### § 8.6208 Dropping from the rolls.

(a) Any member may be dropped from the rolls upon a finding of one or more of the following:

(1) That he has been absent without authority from his place of duty for a period of three months or more.

(2) That he has been found guilty by the civil authorities of an offense for which he has been finally sentenced to confinement in a Federal or State penitentiary or Federal or State correctional institution.

(b) Dropping from the rolls will be accomplished by letter to the member concerned which will set forth the substance of the findings required by paragraph (a) of this section. Such letter will serve to completely separate such member from the Coast Guard service.

(c) No certificate of discharge will be issued and separation by dropping from the rolls will not be officially characterized as having been either "under honorable conditions" or "under conditions other than honorable."

### § 8.6209 Resignations.

(a) Resignations from officers shall be submitted in letter form to the Secretary of the Treasury via the chain of command and shall set forth the reason therefor.

(b) Each resignation shall be considered on its individual merits taking into account the interests of national security and the needs of the Coast Guard subject to the following:

(1) The resignation of an officer who has not fulfilled his term of obligated service under the Universal Military Training and Service Act, as amended, will normally not be accepted unless submitted for the purpose of becoming

a member of another Armed Force or the Regular component of the Coast Guard.

(2) The resignation of an officer accompanied by written evidence that he has become a regular or duly ordained minister of religion as defined in section 16(g) of the Universal Military Training and Service Act, as amended, will be accepted.

### § 8.6210 Mandatory discharge for age.

(a) *Reserve commissioned officers.* Unless retired with pay or transferred to the Retired Reserve, a Reserve commissioned officer shall be discharged without board proceedings upon reaching age 62, or age 64 if retained as a flag officer or to complete 20 years of satisfactory Federal service pursuant to law.

(b) *Reserve chief warrant and warrant officers*—(1) *Male.* Unless retired with pay or transferred to the Retired Reserve, a male chief warrant or warrant officer shall be discharged without board proceedings upon reaching age 62, or not later than the date which is 60 days after the date on which he attains age 64 if retained to complete 20 years of satisfactory Federal service pursuant to law.

(2) *Female.* Unless transferred to the Retired Reserve, a woman chief warrant or warrant officer shall be discharged without board proceedings upon reaching age 55, or not later than the date which is 60 days after the date on which she attains age 60 if retained to complete 20 years of satisfactory Federal service pursuant to law.

(c) *Reserve enlisted personnel.* Unless retired with pay or transferred to the Retired Reserve, an enlisted person shall be discharged upon reaching age 62, or age 64 if retained to complete 20 years of satisfactory Federal service.

[CGFR 56-40, 22 FR 238, Jan. 11, 1957, as amended by CGFR 64-23, 29 FR 6322, May 14, 1964]

## PAY, ALLOWANCES, AND COMPENSATION

### § 8.7105 Flight pay.

Reservists on active duty which involves actual flying in aircraft, in accordance with the regulations in this part, shall receive the same increase of pay of their ranks, grades, or ratings as may be received by members of the regular Coast Guard in similar ranks, grades or ratings for the performance of similar duty.

[6 FR 1939, Apr. 15, 1941]

### § 8.7106 Travel and transportation allowances.

(a) Officers and enlisted personnel of the Reserve while serving on active duty or active duty for training, with pay, shall be entitled to receive travel, transportation, and other allowances as are prescribed in Joint Travel Regulations.

(b) Officers and enlisted personnel of the Reserve while serving on active duty or active duty for training, without pay, shall be entitled to transportation in kind, or to a monetary allowance in lieu thereof, for travel to and from such duty, and shall be entitled to subsistence en route or reimbursement in lieu thereof as prescribed in the Joint Travel Regulations.

[CGFR 54-32, 20 FR 2082, Apr. 2, 1955]

### § 8.7108 Transportation of dependents.

Commissioned officers, chief warrant officers, warrant officers and enlisted men of the first, second and third pay grades, of the Reserve while on active duty are entitled to transportation of dependents at Government expense upon permanent change of station as prescribed in Pay and Supply Instructions for officers and enlisted men of similar ranks, grade and ratings of the Regular Coast Guard. They are entitled to transportation of dependents at Government expense from home to place of reporting for active duty, and from place of release from active duty to home.

[6 FR 1939, Apr. 15, 1941, as amended at 6 FR 6806, Dec. 30, 1941]

### § 8.7109 Transportation of household effects.

(a) Commissioned officers, chief warrant officers, warrant officers, and enlisted men of the first, second, and third pay grades of the Reserve while on active duty are entitled to transportation of household goods at Government expense upon permanent change of station as prescribed in Coast Guard Pay and Supply Instructions for officers and enlisted men of similar ranks, grades, and ratings of the Regular Coast Guard. Enlisted men of the Reserve are entitled to transportation of household effects at Government expense from home to place of reporting for active duty and from place of release from active duty to home under the same conditions and subject to the same limitations prescribed for enlisted men of the Regular Coast Guard upon permanent change of station.

(b) Officers of the Reserve are entitled, when called to active duty, and release therefrom, to transportation of household effects as prescribed for officers of the Regular Coast Guard upon permanent change of station.

[6 FR 6806, Dec. 30, 1941]

### § 8.7110 Subsistence and rations.

(a) Officers and enlisted personnel while serving on active duty or active duty for training, with or without pay, shall be entitled to a ration in kind, commuted rations, or cash subsistence allowances in lieu thereof as are prescribed for personnel of the Regular Coast Guard.

(b) Officers and enlisted personnel while serving on inactive duty training without pay for periods of eight or more hours in any one calendar day shall be entitled to a ration in kind or a portion thereof.

(c) Enlisted personnel while serving on inactive duty training with pay for periods of eight or more hours in any one calendar day shall be entitled to a ration in kind or a portion thereof.

[CGFR 54-25, 19 FR 4319, July 14, 1954, as amended by CGFR 56-42, 21 FR 8657, Nov. 9, 1956]

### § 8.7111 Quarters allowances.

(a) Officers and enlisted personnel of the Reserve while serving on active duty or active duty for training, with pay, shall be entitled to receive Government quarters or basic allowance for quarters as are prescribed for members of the uniformed services in the act of October 12, 1949, as amended.

(b) Officers and enlisted men of the Reserve while serving on active duty or active duty for training, without pay, shall be entitled to receive quarters in kind or an allowance commuted at the rate prescribed in the act of October 12, 1949, as amended, for members of the uniformed services without dependents.

[CGFR 54-32, 20 FR 2082, Apr. 2, 1955]

### § 8.7112 Additional $100 active duty uniform allowance; Reserve officers; (Effective on and after June 25, 1950).

(a) *Officers entitled.* Except as otherwise provided in paragraph (b), of this section, officers of the Coast Guard Reserve who entered on active duty or active duty for training on or after June 25, 1950, are entitled, for each time of such entry or re-entry on active duty or active duty for training of more than 90 days' duration, to a sum of $100 as reimbursement for additional uniforms and equipment required on such duty.

(b) *Officers not entitled.* Such allowance is not payable to:

(1) Any officer, who, under any provision of law, has received an initial uniform reimbursement or allowance in excess of $200 during his current tour of active duty.

(2) Any officer entering on active duty or active duty for training within two years after completing a previous period of active duty or active duty for training of more than 90 days' duration as an officer of the Coast Guard Reserve or Naval Reserve.

(3) Any officer within two years following separation from active duty as a Regular officer of the Coast Guard, Army, Navy, Air Force or Marine Corps.

(4) Any officer who has received or become entitled to receive the $150 uniform allowance authorized under Title 14, United States Code, section 759, for the tour of active duty for which claimed.

(c) *Service not counted.* Periods of duty not requiring the wearing of the uniform may not be counted as duty for purposes of entitlement in paragraph (a) of this section.

[CGFR 53-6, 18 FR 2550, May 1, 1953]

### § 8.7113 Initial uniform allowance: Reserve officers: (Effective January 1, 1953).

(a) *Officers entitled.* Officers of the Coast Guard Reserve are entitled to the payment of an initial uniform allowance in the amount prescribed in paragraph (b) of this section, except as otherwise provided in paragraphs (c) and (d) of this section, for the purchase of required uniforms and equipment under the following conditions:

(1) Upon first reporting for active duty for a period in excess of ninety days on or after January 1, 1953.

(2) Having completed, as an officer of the Coast Guard, not less than fourteen days' active duty or active duty for training, commenced on or after January 1, 1953.

(3) Having performed fourteen periods of not less than two hours each of inactive duty training in the Ready Reserve of the Coast Guard, commenced on or after January 1, 1953.

(4) Upon expiration of a period of two years following separation from active duty as a Regular officer of the Coast Guard, Army, Navy, Air Force or Marine Corps, provided member qualifies under paragraphs (a)(2) or (3) of this section.

(b) *Amount of initial uniform allowance.* The amount of the initial uniform allowance prescribed in paragraph (a) of this section is determined by the source from which the reserve officer was appointed. Members appointed as officers in the Coast Guard Reserve are entitled, except as otherwise provided in paragraph (c) of this section to an initial uniform allowance in the applicable amount indicated in the table below:

TABLE OF AMOUNTS OF INITIAL UNIFORM ALLOWANCE PAYABLE

*Source From Which Appointed and Initial Uniform Allowance Payable*

A Naval aviation cadets, $100.

B Officer candidate school.

(1) Active duty enlisted: Coast Guard or Navy CPO (male), None; Coast Guard or Navy below CPO (male), $200; female Coast Guard or Navy (all ratings), $100.

(2) Enlisted reserves from inactive duty status Coast Guard or Navy, $200.

C NROTC, $200.

D Direct procurement from

(1) Civil life (including enlisted reserves in an inactive duty status), $200.

(2) Active duty enlisted status in same service, same as B(1).

(3) Army of the United States without component, $200.

(4) Air Force of the United States without component, $200.

(5) Reserve components of the Army, Air Force or the Marine Corps, $200.

(6) Naval Reserve (officers), None.

(c) *Officers not entitled.* (1) Officers who have received an initial uniform allowance as an officer in any amount under the provisions of any law, other than the act of July 9, 1952 (66 Stat. 481).

(2) An officer within two years following separation from active duty as a Regular officer of the Coast Guard, Army, Navy, Air Force or Marine Corps, regardless of the fact that the member may have qualified under paragraph (a) of this section.

(3) Officers of the Coast Guard Reserve who have previously received or become entitled to receive the initial uniform allowance as an officer of the Naval Reserve.

(d) *Service not counted.* Periods of duty not requiring the wearing of the uniform may not be counted for the purpose of determining entitlement in paragraph (a) of this section.

[CGFR 53-6, 18 FR 2550, May 1, 1953]

### § 8.7114 Reimbursement of $50 uniform allowance: Reserve officers: (Effective July 9, 1952).

(a) *Officers entitled.* Officers of the Coast Guard Reserve are entitled to an additional sum of $50 as reimbursement for purchase of required uniforms and equipment, except as provided in paragraph (c) of this section, provided the following conditions are met:

(1) A period of four years of satisfactory Federal service, as defined in section 302(b) act of June 29, 1948 (62 Stat. 1081), has elapsed, as a member of the Coast Guard Reserve, since date of last entitlement to a uniform reimbursement or allowance. The term "date of last entitlement to uniform allowance or reimbursement" will be construed to mean any date prior to or subsequent to July 9, 1952, on which member was last entitled to uniform allowance of reimbursement (Comp.

Gen. B-112407, dated November 27, 1952). Referenced decision retains for the Reserve officer the right to apply satisfactory Federal service, as defined in act of June 29, 1948 (62 Stat. 1081), accrued prior to July 9, 1952, toward a four-year period that will be completed after July 9, 1952, i.e., a Reserve officer who was last entitled to the $50 uniform allowance on September 12, 1948, would become entitled to an additional $50 under the provisions of the act of July 9, 1952 (66 Stat. 481), if otherwise entitled thereto, on September 12, 1952. A new four-year period would commence beginning September 12, 1952.

(2) That such four-year period includes not less than 28 days' active duty or active duty for training (See paragraph (b) of this section).

(b) *Service not counted.* (1) In computing the period of four years of service, prescribed in paragraph (a) of this section, any period of active duty or active duty for training in excess of 90 days shall be excluded, i.e., if the period of active duty or active duty for training is 91 days or more, the entire period shall be excluded.

(2) Periods of duty not requiring the wearing of the uniform may not be counted.

(c) *Restriction.* An officer of the Coast Guard Reserve who has received or become entitled to receive a uniform allowance or reimbursement in any amount as an officer is not entitled to the $50 uniform allowance until the expiration of not less than four years of satisfactory Federal service from the date of entitlement to the last uniform allowance or reimbursement.

[CGFR 53-6, 18 FR 2550, May 1, 1953]

### § 8.7115 Definition of terms.

(a) *"Initial uniform allowance or reimbursement" defined.* As used in this part, the term "initial uniform allowance or reimbursement" shall be construed to mean:

(1) The initial uniform allowance prescribed in § 8.7113(a); or

(2) The $100 uniform allowance authorized under Title 14, United States Code, section 759.

(3) The $250 uniform allowance authorized for payment to enlisted members of the Regular Coast Guard or Coast Guard Reserve temporarily appointed to warrant or commissioned rank under the act of July 24, 1941 (55 Stat. 603); or

(4) The $100 uniform allowance authorized under the act of June 25, 1938 (52 Stat. 1175); or

(5) The $150 uniform allowance authorized under the act of August 4, 1942 (56 Stat. 737), as amended, for Naval aviation cadets commissioned in the Naval Reserve; or

(6) The $250 uniform allowance authorized under the act of August 4, 1942 (56 Stat. 737), as amended, for Naval aviation cadets commissioned in the Marine Corps Reserve; or

(7) The $250 uniform allowance authorized by the act of December 4, 1942 (56 Stat. 1039) for commissioned officers of the Army and Air Force in the grades of second lieutenant, first lieutenant, or captain entitled to pay of first, second, and third pay periods, and warrant officers except chief warrant officers of the fourth pay period.

(8) The $50 per annum uniform allowance authorized for the first three years of service in the Officers' Reserve Corps of the Army by the act of May 14, 1940 (54 Stat. 212) and section 1 of the act of March 9, 1942 (56 Stat. 148).

(9) The $150 uniform allowance authorized under the acts of June 3, 1941 (55 Stat. 240) and July 8, 1942 (56 Stat. 650) to second lieutenants and flight officers of the Army Air Corps Reserve.

(10) The $150 uniform allowance authorized by section 2 of the act of March 9, 1942 (56 Stat. 149) for officers of the Army below the rank of major.

(11) The uniform allowances previously authorized, either in cash or in kind, for members of the Army Nurse Corps, physical therapists and dietitians commissioned in the Army of the United States without component, the Women's Army Corps, and the Women's Army Auxiliary Corps.

(12) The $250 uniform allowance authorized by section 306, act of June 12, 1948 (62 Stat. 373) for WAF officer personnel.

(13) The $250 uniform allowance authorized by act of April 16, 1947 (61

Stat. 41), as amended, for nurses appointed in the Air Force.

(14) The $175 uniform allowance authorized for payment to Navy nurses under the act of July 3, 1942 (56 Stat. 646).

(b) *"Officer" defined.* As used in this part, the term "officer", unless otherwise qualified, includes commissioned and warrant officers.

(c) *"Reserve components" defined.* As used in this part, the term "Reserve components" includes the National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Air National Guard of the United States, Coast Guard Reserve and the Air Force Reserve.

[CGFR 53-6, 18 FR 2550, May 1, 1953]

### § 8.7119 Pay groups.

(a) The following pay groups are established within the Ready Reserve:

| Pay group | Annual number of paid periods of inactive duty training | Annual paid active duty for training |
|---|---|---|
| A | 48 | 15 days |
| B | 24 | 15 days |
| C | 12 | 15 days |
| D | 0 | 15 days |
| E | 0 | 30 days |
| F | 0 | 6 months |

(b) The Commandant may authorize the assignment of Ready Reservists to any of the pay groups established in paragraph (a) of this section. Assignment to a particular group does not preclude additional paid training when authorized under instructions issued by the Commandant.

[CGFR 56-19, 21 FR 5624, July 26, 1956]

### § 8.7120 Command pay.

(a) In addition to any other pay to which he may be entitled, a commanding officer of an Organized Reserve Training Unit or units who satisfactorily performs the administrative duties and responsibilities of a commanding officer may receive compensation at the rate of not less than $36 nor more than $240 per year.

(b) The exact amount of compensation shall be as prescribed by the Commandant based upon the authorized strength of the unit or units, the number of drills authorized to be held per year, and such other criteria as he may require.

(c) The appointment of an officer as commanding officer of an Organized Reserve Training Unit or units does not automatically entitle him to command pay. Under instructions issued by the Commandant, district commanders shall certify commanding officers of such unit or units as being entitled to command pay and shall withdraw such certification at the beginning of any quarter if, during the preceding quarter, there has occurred a failure to discharge faithfully and efficiently the administrative duties and responsibilities of command.

(d) Notwithstanding the provisions of paragraph (a) of this section, entitlement to command pay shall not accrue for any period during which the commanding officer is performing active duty or active duty for training.

(e) Procedures for certification of entitlement to and for payment of command pay shall be as prescribed in the Comptroller Manual.

[CGFR 57-23, 22 FR 7054, Aug. 31, 1957]

### § 8.7204 Reservists in receipt of a pension, disability compensation, or retired pay.

(a) Except as provided for in § 8.7205, Reservists ordered to perform active duty, active duty for training, or inactive duty training in a pay status who are in receipt of a pension, disability compensation, or retired pay from the Government of the United States by virtue of prior military service may elect to receive compensation for such duty in lieu of the pension, disability compensation, or retired pay. They shall not be entitled to both.

(b) Except as provided for in § 8.7205, no Reservist may be certified to receive pay and allowances unless he has completed an affidavit stating that he is not drawing a pension, disability compensation, or retired pay from the Government of the United States by virtue of prior military service or has executed a waiver of such compensation for the period of duty to be performed in a pay status for the current fiscal year.

(c) The form and disposition of the affidavit or waiver shall be as prescribed in the Comptroller Manual.

[CGFR 57-23, 22 FR 7054, Aug. 31, 1957]

**§ 8.7205 Suspension of pension, disability compensation, or retired pay for Reservists ordered to extended active duty in time of war or national emergency.**

(a) The law provides for the suspension of the pension, disability compensation, or retired pay of a Reservist who, having been found physically qualified, is ordered to extended active duty in excess of 30 days in time of war or national emergency unless such compensation is greater than the pay and allowances which he would receive for the performance of active duty. The law further provides that, if suspended, payment of pension, disability compensation, or retired pay shall be resumed upon termination of the period of such active duty.

(b) If the pension, disability compensation, or retired pay is less than the pay and allowances which the Reservist would receive for the performance of active duty, he shall be certified to receive such pay and allowances. If the reverse is true, the Reservist shall not be certified to receive active duty pay and allowances.

(c) Prompt notice of entry upon or release from active duty of a Reservist under the conditions enumerated in this section shall be given to the appropriate agency of the Government which notice shall reflect the facts of each individual case. In appropriate cases, the notice shall request such agency to suspend the pension, disability compensation, or retired pay, as applicable.

[CGFR 57-23, 22 FR 7054, Aug. 31, 1957]

# PART 13—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

## Subpart 13.01—Gold and Silver Lifesaving Medals, Bars, and Miniatures

Sec.
13.01-1 General.
13.01-5 Gold and Silver Lifesaving Medals.
13.01-10 Gold and silver bars.
13.01-15 Applications and recommendations.
13.01-20 Definitions.
13.01-25 Description of Gold Lifesaving Medal.
13.01-30 Description of Silver Lifesaving Medal.
13.01-35 Description of gold and silver bars.
13.01-40 Miniature medals and bars.
13.01-45 Replacement of medals and bars.

AUTHORITY: Secs. 500, 633, 63 Stat. 536, 545, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 500, 633; 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2) and (f).

SOURCE: CGFR 68-134, 33 FR 18932, Dec. 19, 1968, unless otherwise noted.

## Subpart 13.01—Gold and Silver Lifesaving Medals, Bars, and Miniatures

**§ 13.01-1 General.**

Lifesaving Medals of gold and silver, designated as the Gold Lifesaving Medal and the Silver Lifesaving Medal, respectively, may be awarded by the Commandant, U.S. Coast Guard, hereinafter called the Commandant, under 14 U.S.C. 500 and the regulations in this subpart to persons rescuing or endeavoring to rescue any other person from drowning, shipwreck or other peril of the water.

**§ 13.01-5 Gold and Silver Lifesaving Medals.**

Lifesaving Medals may be awarded to any person who rescues or endeavors to rescue any other person from drowning, shipwreck or other peril of the water. In order for a person to be eligible for a Lifesaving Medal the rescue or attempted rescue must take place in waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue takes place outside such waters, one or the other of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by citizens of the United States. If such rescue or attempted rescue is made at the risk of one's own life and evidences extreme and heroic daring, the medal shall be of gold. If such rescue or attempted rescue is not sufficiently distinguished to deserve the medal of gold but evidences the exercise of such signal exertion as to merit recognition, the medal shall be of silver. Lifesaving Medals may be awarded posthumously.

### § 13.01-10 Gold and silver bars.

No person shall receive more than one Gold Lifesaving Medal and one Silver Lifesaving Medal; but any person who has received or may hereafter receive a Gold or Silver Lifesaving Medal and who again performs an act which would entitle him to receive another medal of the same class, may be awarded, in lieu of a second medal of the same class, a gold or silver bar, as the case may be, to be worn with the medal already bestowed, and for every such additional act, an additional bar may be awarded. Gold and silver bars may be awarded posthumously.

### § 13.01-15 Applications and recommendations.

(a) All administrative details pertaining to the award of Lifesaving Medals are under the jurisdiction of the Commandant. Applications and recommendations for the award of a Lifesaving Medal may be filed by or in behalf of the person making or attempting a rescue under circumstances contemplated by the regulations in this subpart. Applications or recommendations for award of medals or requests for information pertaining thereto should be addressed to the Commander of the Coast Guard District, hereinafter called the District Commander, where the incident took place. (See Part 3 of this subchapter for descriptions of Coast Guard Districts.) If the District is unknown, or if the incident took place outside any such district, applications and recommendations should be addressed to the Commandant, U.S. Coast Guard, Washington, D.C. 20593.

(b) Completed applications must include:

(1) Satisfactory evidence of the services performed, in the form of affidavits, made by eyewitnesses of good repute and standing testifying of their own knowledge. The opinion of witnesses that the person for whom an award is sought imperiled his or her own life or made signal exertions is not sufficient but the affidavits must set forth in detail all facts and occurrences tending to show clearly in what manner and to what extent life was risked or signal exertions made so that the Commandant may judge for himself as to the degree of merit involved.

(2) The precise locality of the rescue or attempted rescue, whether from waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue is outside such waters, whether one or the other of the parties is a citizen of the United States, or from a vessel or aircraft owned or operated by citizens of the United States, shall be stated. The date, time of day, nature of the weather, condition of the water, the names of all persons present when practicable, the names of all persons rendering assistance, and all pertinent circumstances and data, showing the precise nature and degree of risk involved, should be stated.

(c) Recommendations must include:

(1) As much of the information indicated in paragraph (b)(1) and (2) of this section which is available to the person making the recommendation. Upon receipt the Commandant or the cognizant District Commander shall cause such recommendation to be referred to an investigating officer who shall cause to be developed such additional information and evidence as is deemed necessary to either (i) terminate the investigation as containing insufficient justification to continue further, or (ii) to complete the application for submission to the Commandant for his final determination.

(d) Either the Commandant or the District Commander may, without any application or recommendation, of his own motion, order an informal investigation into such an incident under Chapter II, of the Coast Guard Supplement to the Manual for Courts Martial (CG-241).

(e) Affidavits required by this subpart shall be made before an officer duly authorized to administer oaths and if taken before an officer without an official seal, his official character must be certified by the proper officer of a court of record, under the seal thereof, unless the oath be taken before an officer of the Armed Forces authorized to administer oaths under the provisions of Article 136, UCMJ (10 U.S.C. 936).

(f) Cognizant District Commanders shall act upon all applications and recommendations submitted to them from whatever source and shall:

(1) Forward completed applications with his recommendations to the Commandant for his consideration and determination: or,

(2) Inform the applicant or the person submitting the recommendation that he considers such application or recommendation incomplete together with the reasons therefor and that a period of 90 days will be allowed for additional evidence to be provided upon the expiration of which he will file the application or recommendation without further action.

(g) Whenever the cognizant District Commander shall deem such action necessary, he may require that the aforementioned affidavits shall be accompanied by a certificate showing the affiants to be credible persons, certified by some U.S. Officer, such as a judge or clerk of a U.S. Court, district attorney, collector of customs, postmaster, or officer of the Armed Forces. If the affiant is a citizen or resident of a foreign country and if the affidavit is executed in such foreign country, the credibility certificate may be executed by an officer of such foreign country, who occupies an official position similar to the aforementioned U.S. officers.

(h) The decision of the Commandant on all applications, recommendations, and investigations for the Gold or Silver Lifesaving Medals shall be final.

### § 13.01-20 Definitions.

As used in the statutes cited and in the regulations in this subpart:

(a) "Peril of the water" includes all perils on water caused by, or which are such by reason of, the sea or bodies of water such as lakes, bays, sounds and rivers; whenever, wherever and in whatever way human life is directly imperiled by the sea or a body of water is a peril of the water.

(b) A "shipwreck" includes an incident threatening persons whose lives are endangered by perils of the water as well as those who are, strictly speaking, no longer in danger from the sea or a body of water, that peril already having passed, but who are in imminent danger and in great need of succor or rescue, as e.g., being adrift in an open boat or stranded on some barren coast where, without succor or rescue, they would die of starvation, thirst, or exposure.

(c) "Waters within the United States or subject to the jurisdiction thereof," embrace all waters within the United States, and any other waters over which the United States exercises jurisdiction.

### § 13.01-25 Description of Gold Lifesaving Medal.

(a) The Gold Lifesaving Medal is 99.9 percent pure gold and consists of a pendant suspended by a swivel from the head of an eagle attached to a silk grogram ribbon 1 and 3/8ths inches in width, composed of a 3/16ths of an inch red stripe, a 1/32d of an inch white stripe, a 15/16ths of an inch gold stripe, a 1/32d of an inch white stripe, and a 3/16ths of an inch red stripe. The pendant is 1 and 7/16ths inches in diameter and 3/32ds of an inch in thickness. There appear, on the obverse side of the pendant, three men in a boat in a heavy sea; one is rescuing a person clinging to a spar at the end of which is a block and line; another is standing, prepared to heave a line; a third is rowing; in the distance, to the left, is the wreck of a vessel; the whole is encircled by the words: "United States of America", in the upper half, and "Act of Congress, August 4, 1949", in the lower half. On the reverse side of the pendant there appears, in the center a monument surmounted by an American eagle; the figure of a woman stands, to the left, holding in her left hand an oak wreath, and with her right hand, preparing to inscribe the name of the recipient on the monument; to the right are grouped a mast, a yard with a sail, an anchor, a sextant, and a laurel branch; the whole is encircled by the words: "In testimony of heroic deeds in saving life from the perils of the water."

(b) Engraving: Before presentation, the recipient's name shall be inscribed on the "monument", on the reverse of the medal.

### § 13.01-30 Description of Silver Lifesaving Medal.

(a) The Silver Lifesaving Medal is 99 percent pure silver and consists of a pendant suspended by a swivel from the head of an eagle attached to a silk grogram ribbon 1 and 3/8ths inches in width, composed of a 3/16ths of an inch blue stripe, a 1/32d of an inch white stripe, a 13/16ths of an inch silver gray stripe, a 1/32d of an inch white stripe, and a 4/32ds of an inch blue stripe. The pendant is 1 and 7/16ths inches in diameter and 3/32ds of an inch in thickness. On the obverse side of the pendant there appears the figure of a woman hovering over a man struggling in heavy sea and extending to him one end of a long scarf; the whole is encircled by the words: "United States of America", in the upper half, and "Act of Congress, August 4, 1949", in the lower half. On the reverse there appears a laurel wreath encircled by the words: "In testimony of heroic deeds in saving life from the perils of the water."

(b) Engraving: Before presentation, the recipient's name shall be inscribed inside the laurel wreath, on the reverse of the medal.

### § 13.01-35 Description of gold and silver bars.

(a) The bar is plain and horizontal, composed of the same metal as the medal previously awarded recipient, and is 1 and 3/8ths inches long by 3/16ths of an inch wide with a flowing ribbon draped over the left end and passing in back and appearing beneath the bar. The part of the ribbon showing beneath the bar bears the inscription "Act of Congress, August 4, 1949", in raised block letters. The bar and ribbon are in folds of a spray of laurel with the leave showing above and beneath.

(b) Engraving: Before presentation, the recipient's name shall be inscribed on the obverse of the bar.

### § 13.01-40 Miniature medals and bars.

(a) Miniature Gold and Silver Lifesaving Medals and bars are replicas of the Lifesaving Medals and bars, to be worn on civilian clothing. Such miniatures are not furnished by the Government.

(b) Miniature medals and bars may procured from sources authorized by the Commandant, U.S. Coast Guard, to furnish same to persons who produce original documentary evidence of having been awarded the medal or bar for which a miniature replica is desired.

### § 13.01-45 Replacement of medals and bars.

The Gold or Silver Lifesaving Medal or bar will be replaced at cost to the applicant upon submitting a statement in affidavit form of having been awarded a medal or bar and the circumstances involving loss of same. A Lifesaving Medal or bar, however, may be replaced without charge in the discretion of the Commandant, if said medal or bar has, under extremely unusual circumstances, been lost, destroyed or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded.

## PART 17—UNITED STATES COAST GUARD GENERAL GIFT FUND

### Subpart 17.01—General Provisions

Sec.
17.01-1 Basis and purpose.
17.01-10 Authority to receive gifts.

### Subpart 17.05—Administration

17.05-1 Gifts.
17.05-5 Acceptance and disbursement of gifts.
17.05-10 Instructions for administration.

AUTHORITY: Secs. 92, 633, 63 Stat. 503, as amended, 545, sec. 2601, 70A Stat. 144; 14

U.S.C. 92, 633, 10 U.S.C. 2601. Treasury Dept. Order 167 1, 18 FR 671.

## Subpart 17.01—General Provisions

**§ 17.01-1 Basis and purpose.**

In accordance with 10 U.S.C. 2601 (formerly the Act of March 11, 1948, secs. 1, to 4, 62 Stat. 71, 72); and Treasury Department Order No. 167-1, dated January 16, 1953 (18 FR 671), the regulations in this part are hereby prescribed to provide for the acceptance and subsequent use of gifts, devises, or bequests of property, real or personal, made on the condition that they be used for the benefit of, or in connection with, the establishment, operation, maintenance, or administration of any school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard.

[CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

**§ 17.01-10 Authority to receive gifts.**

(a) The Commandant, United States Coast Guard, may accept, receive, hold, or administer gifts, devises, or bequests of property, real or personal, made on the condition that they be used for the benefit of, or in connection with, the establishment, operation, maintenance, or administration of any school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard. The Commandant is authorized to pay all necessary fees, charges, and expenses in connection with the conveyance or transfer of any such gifts, devises, or bequests.

(b) The Commandant may authorize or designate officers of the United States Coast Guard to accept gifts, devises, or bequests.

[CGFR 53-18, 18 FR 3171, June 3, 1953, as amended by CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

## Subpart 17.05—Administration

**§ 17.05-1 Gifts.**

The gifts or bequests may be in money or negotiable instrument form. If in the form of a money order, check, etc., it should be made payable to the Treasurer of the United States.

[CGFR 53-18, 18 FR 3171, June 3, 1953]

**§ 17.05-5 Acceptance and disbursement of gifts.**

(a) The immediate receiving person shall give a proper receipt on the proper form used by the United States Coast Guard to acknowledge receipt of collections to the donor of a gift or bequest of money or for the proceeds from a sale of property received as a gift or devise.

(b) Gifts or bequests of money, or the proceeds from sales of property received as gifts or devises shall be deposited in the Treasury of the United States under symbol and title "20X8533—United States Coast Guard, General Gift Fund." Funds so deposited shall be subject to disbursement by or at the direction of the Commandant, United States Coast Guard, for the benefit or use of the designated school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard subject to the terms of the particular gift, devise, or bequest.

(c) 10 U.S.C. 2601(c) states that any gift, devise, or bequest of property, real or personal, accepted under these provisions shall be deemed to be a gift, devise, or bequest to or for the use of the United States for the purpose of Federal income, estate, and gift taxes.

[CGFR 53-18, 18 FR 3171, June 3, 1953, as amended by CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

**§ 17.05-10 Instructions for administration.**

The Commandant, United States Coast Guard, will issue such detailed instructions as may be necessary for the administration of the "United States Coast Guard General Gift Fund" or for the acceptance, operation, or maintenance of property, real or personal, that may be accepted for the benefit of or in connection with any school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard subject to the terms and conditions of any particular gift, devise, or bequest.

[CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

## PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS[1]

Sec.
19.01 Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.
19.04 Vessels requisitioned by the United States for emergency evacuation.
19.06 Vessels operated by or chartered to Military Sea Transportation Service.
19.07 Chronological record of seaman's previous employment.
19.15 Permits for commercial vessels handling explosives at military installations.

AUTHORITY: Sec. 1, 64 Stat. 1120, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. note prec. 1, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2).

### § 19.01 Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.

(a) It is hereby found necessary in the interest of national defense to waive compliance with the navigation and vessel inspection laws administered by the Coast Guard, as well as the regulations issued thereunder and contained in 46 CFR Chapter I or in this chapter, to the extent and in the manner and upon the terms and conditions as set forth in this section.

(b) An application requesting that a waiver be made effective with respect to a particular vessel may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph (d) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any port or place of the Canal Zone or in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established. Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the interest of national defense and, an outline of the facts upon which such certification is based. The Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to the Commandant. In any case in which it appears to the Coast Guard officer concerned that reference of the application to the Commandant for action would not delay the sailing of the vessel or otherwise be contrary to the interest of national defense, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that the urgency of the situation outweighs the marine hazard involved, then such waiver shall be made effective in regard to such vessel to the extent and under the circumstances specified by him.

(c) The Coast Guard officer making such a waiver effective pursuant to paragraph (b) of this section shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws (also regulations, if any) with respect to which the waiver is effective, the extent to which compliance with such laws (also regulations, if any) is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the order shall be transmitted to the Commandant and the remaining copy kept on file.

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[1] Also codified as 46 CFR Part 6.

(d) In any case of extreme urgency the application for a waiver may be made orally and if the Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) reaches the conclusion referred to in paragraph (b) of this section, the waiver shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

(e) No penalty shall be imposed because of failure to comply with any provision of law (or regulation, if any), the waiver of which has been made effective pursuant to the requirements in this section.

[CGFR 51-10, 16 FR 1959, Mar. 1, 1951]

### § 19.04 Vessels requisitioned by the United States for emergency evacuation.

Pursuant to the request of the Acting Secretary of Defense, dated November 21, 1951, made under the provisions of section 1 of Pub. L. 891, 81st Congress, approved December 27, 1950, compliance is hereby waived with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and contained in this chapter, to the extent necessary to permit the operation of vessels which might be requisitioned by the United States for the purpose of emergency evacuation.

[16 FR 12792, Dec. 20, 1951]

### § 19.06 Vessels operated by or chartered to Military Sea Transportation Service.

(a) Pursuant to the request of the Deputy Secretary of Defense, dated August 6, 1958, and to the request of the Assistant Secretary of Defense, Installations and Logistics, dated May 23, 1964, made under the provisions of section 1 of Pub. L. 891, 81st Congress, approved December 27, 1950 (64 Stat. 1120; 46 U.S.C., note preceding section 1), and their findings that a waiver is necessary in the interest of national defense, compliance with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and contained in 33 CFR Chapter I, or in this chapter, is hereby waived to the extent and upon the terms and conditions as set forth in this section, in order to permit vessels operated by or chartered to the Military Sea Transportation Service to carry out their assigned missions.

(b) An application requesting that this waiver be made effective with respect to a particular vessel may be made by the Commander, Military Sea Transportation Service, or any one of his duly designated representatives. Except as provided in paragraph (e) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established, or to the Commandant, U.S. Coast Guard, Washington, D.C. 20226. Every application shall:

(1) Describe the laws and/or regulations by appropriate references and/or subjects with respect to which the waiver of compliance is desired;

(2) Contain a certification that the waiver of compliance with such laws and/or regulations with respect to the vessel involved is necessary in the interest of national defense and is necessary for the Military Sea Transportation Service to carry out an assigned mission;

(3) The name and official number of the vessel involved (including the names of master, agent, and owner of the vessel involved); and,

(4) For how long the waiver is needed.

(c) The Coast Guard officer making the waiver in paragraph (a) of this section effective for a particular vessel shall immediately prepare, in quadruplicate, an order setting forth:

(1) The name and official number of the vessel involved;

(2) The laws and/or regulations with respect to which the waiver is effective;

(3) The extent to which compliance with such laws and/or regulations is waived; and,

(4) The period for which the waiver shall be effective.

(d) If practicable, one copy of this waiver order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the waiver order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the waiver order shall be delivered to the Commander, Military Sea Transportation Service, or his duly designated representative, who submitted the application. One copy of the waiver order shall be transmitted to the Commandant (MVI) and the remaining copy kept on file.

(e) In any case of extreme urgency, the application for a waiver order may be made orally and if the Coast Guard District Commander (or his designated representative, or the designated representative of the Commandant, or the Commandant, as the case may be), determines that the conditions in this section have been met, the waiver order shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the confirming written waiver order.

(f) No penalty shall be imposed because of failure to comply with any provision of law and/or regulation, the waiver of which has been made effective pursuant to the requirements of this section.

(g) This waiver order shall remain in effect until terminated by proper authority and notice of cancellation is published in the FEDERAL REGISTER.

[CGFR 64-86, 30 FR 88, Jan. 6, 1965]

### § 19.07 Chronological record of seaman's previous employment.

(a) Compliance is hereby waived with regard to the provisions of subsection (h) of R.S. 4551, as amended (46 U.S.C. 643), to the extent necessary to permit the Commandant of the United States Coast Guard to issue a chronological record of a seaman's previous employment on a single document, in lieu of making individual entry in a duplicate continuous discharge book or furnishing individual certificates of discharge.

(b) It is hereby found that the waiving of the provisions of R.S. 4551(h), as amended (46 U.S.C. 643), is necessary in the interest of national defense.

[CGFR 51-9, 16 FR 1829, Feb. 27, 1951, as amended by CGFR 59-4a, 24 FR 3055, Apr. 21, 1959]

CROSS REFERENCE. See 49 CFR 7.93 for the fee for this record.

### § 19.15 Permits for commercial vessels handling explosives at military installations.

Pursuant to the request of the Secretary of Defense in a letter dated October 19, 1955, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of R.S. 4472, as amended (46 U.S.C. 170), and the regulations promulgated thereunder in Part 146 of this chapter to the extent that no quantitative restrictions, based on considerations of isolation and remoteness, shall be required by the Coast Guard for commercial vessels loading or unloading explosives at the Department of Defense waterfront installations. This waiver shall not relieve a commercial vessel loading or unloading explosives at the Department of Defense waterfront installations from the requirement of securing a permit from the Coast Guard for such operations with respect to quantitative or other restrictions imposed by the Coast Guard on the basis of each vessel's ability to meet prescribed stowage and handling requirements.

[CGFR 55-49, 20 FR 8638, Nov. 23, 1955]

## PART 23—DISTINCTIVE MARKINGS FOR COAST GUARD VESSELS AND AIRCRAFT

Sec.
23.01 Basis and purpose.
23.05 Where and when displayed.
23.10 Coast Guard emblem.
23.12 Coast Guard identifying insignia.
23.15 Coast Guard ensign.
23.20 Coast Guard commission pennant.
23.30 Penalty.

AUTHORITY: Secs. 633, 639, 63 Stat. 546; 14 U.S.C. 638, 639, E.O. 10707, 3 CFR, 1954-1958 Comp. p. 364, unless otherwise noted.

SOURCE: CGFR 57-35, 22 FR 6765, Sept. 22, 1957, unless otherwise noted.

### § 23.01 Basis and purpose.

(a) This subpart establishes instructions for the display of distinctive markings of Coast Guard vessels and aircraft, including Coast Guard ensign and commission pennant and Coast Guard emblem.

(b) Coast Guard vessels and aircraft are distinguished from other vessels and aircraft by an ensign; a personal flag, command pennant, or commissioned pennant, if so authorized; or other identifying insignia or marking.

[CGFR 57-35, 22 FR 6765, Sept. 22, 1957, as amended by CGFR 66-67, 31 FR 15239, Dec. 6, 1966]

### § 23.05 Where and when displayed.

(a) The Coast Guard Ensign is a mark of authority and is required to be displayed whenever a Coast Guard vessel takes active measures in connection with boarding, examining, seizing, stopping or heaving to of a vessel for the purposes of enforcing the laws of the United States. The distinctive markings of Coast Guard aircraft serve the same purpose.

(b) The Coast Guard Commission pennant indicates a Coast Guard cutter under the command of a commissioned officer or commissioned warrant officer.

(c) When applicable, these distinctive marks shall be displayed, the Coast Guard Ensign at the masthead of the foremast, and the commission pennant at the after masthead. On ships having but one mast the Coast Guard Ensign and commission pennant shall be at the masthead on the same halyard. In mastless ships they shall be displayed from the most conspicuous hoist.

[CGFR 67-26, 32 FR 6576, Apr. 28, 1967]

### § 23.10 Coast Guard emblem.

(a) The distinctive emblem of the Coast Guard shall be as follows:

> On a disc the shield of the Coat of Arms of the United States circumscribed by an annulet edged and inscribed "UNITED STATES COAST GUARD 1790" all in front of two crossed anchors.

(b) The emblem in full color is described as follows:

> White anchors and white ring all outlined in medium blue (Coast Guard blue), letters and numerals medium blue (Coast Guard blue), white area within ring, shield with medium blue (Coast Guard blue) chief and 13 alternating white and red (Coast Guard red) stripes (7 white and 6 red) with narrow medium blue (Coast Guard blue) outline.

(c) The Coast Guard emblem is intended primarily for use as identification on Coast Guard ensigns, flags, pennants, vessels, aircraft, vehicles, and shore units. It may also be reproduced for use on such items as stationery, clothing, jewelry, etc.

(d) Any person who desires to reproduce the Coast Guard emblem for non-Coast Guard use must first obtain approval from the Commandant, U.S. Coast Guard, Washington, D.C. 20593.

(Sec. 6(b)(1), 80 Stat. 937; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 67-26, 32 FR 6577, Apr. 28, 1967, as amended by CGFR 70-95, 35 FR 12541, Aug. 6, 1970]

### § 23.12 Coast Guard identifying insignia.

(a) The distinctive identification insignia of the Coast Guard consists of a broad diagonal red stripe followed to the right or left by two narrow stripes, first a white stripe and then a blue stripe. The Coast Guard emblem, as described in § 23.10(b), is centered within the confines of the broad red diagonal stripe.

(b) The Coast Guard identifying insignia is intended primarily for the identification of Coast Guard vessels, aircraft, vehicles, and shore units. It may also be reproduced for use on Coast Guard publications, stationery, jewelry, and similar items.

(c) Any person who desires to reproduce the Coast Guard identifying insignia for non-Coast Guard use must first obtain approval from the Commandant, U.S. Coast Guard, Washington, D.C. 20593.

(Sec. 6(b)(1), 80 Stat. 937; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 70-95, 35 FR 12541, Aug. 6, 1970]

### § 23.15 Coast Guard ensign.

The Coast Guard ensign has sixteen perpendicular stripes alternate red and white, beginning with the red at the hoist. In the upper quarter, next to the hoist, is the union, being the Coat of Arms of the United States, in dark blue on a white field, half of the length of the flag, and extending down the hoist halfway. The distinctive emblem of the Coast Guard in blue and white is placed with its center on a line with the lower edge of the union and over the center of the seventh vertical red stripe from the hoist of the flag, the emblem covering a horizontal space of three stripes.

### § 23.20 Coast Guard commission pennant.

The Coast Guard commission pennant shall have the union part composed of thirteen blue stars in a horizontal line on a white field, one-fourth the length of the pennant; the remaining three-fourths shall consist of sixteen vertical stripes of equal width, alternate red and white, beginning with the red, and a tail piece of red about one-fifth the entire length of the pennant, ending in a swallow tail.

[CGFR 57-35, 22 FR 6765, Sept. 22, 1957, as amended by CGFR 71-75, 36 FR 13268, July 17, 1971]

### § 23.30 Penalty.

Section 638(b) of Title 14 U.S.C. (63 Stat. 546) reads as follows:

> No vessel or aircraft without authority shall carry, hoist or display any ensign, pennant or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant or other identifying insignia prescribed for Coast Guard vessels or aircraft. Each person violating this provision shall be fined not more than $5,000, or imprisoned for not more than two years, or both.

## PART 24—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE UNITED STATES COAST GUARD—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.

24.1 Purpose.
24.5 Application of this part.
24.10 Discrimination prohibited.
24.15 Assurances required.
24.20 Compliance information.
24.25 Conduct of investigations.
24.30 Procedure for effecting compliance.
24.35 Hearings.
24.40 Decisions and notices.
24.45 Judicial review.
24.50 Effect on other regulations; forms and instructions.
24.55 Definitions.
24.60 Programs to which this part applies.

AUTHORITY: Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1, and the laws referred to in § 24.60 (14 U.S.C. 93, 141, 148, 641; 42 U.S.C. 1891).

SOURCE: CGFR 64-91, 29 FR 19297, Dec. 31, 1964, unless otherwise noted.

NOTE: Nomenclature changes affecting this Part 24 appear at CGD 73-69R, 38 FR 10085, Apr. 24, 1973.

### § 24.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Coast Guard.

### § 24.5 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Coast Guard, including the Federally-assisted programs and activities listed in § 24.60. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the regulation pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization. The fact that a program or activity is not listed in § 24.60 shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this section by notice published in the FEDERAL REGISTER.

### § 24.10 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny any individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) A recipient may not take action that is calculated to bring about indirectly what this part forbids it to accomplish directly.

### § 24.15 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The Commandant shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) The assurance required in the case of a transfer of an interest in real property by way of permit, license, easement, or lease shall be inserted in the instrument effecting the transfer and shall contain a condition coupled with a right reserved to the Coast Guard to revoke and cancel the transfer in the event of breach of such nondiscrimination condition during the period of the transfer.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101-6.2).

(b) *Pre-existing permit, license, easement or lease.* In any case where a permit, license, easement or lease of real property, with or without improvements, or a similar transfer of an interest in real property, representing Federal financial assistance, has been executed by the Coast Guard prior to the effective date of this part, and the instrument effecting the transfer contains a clause making it revocable at will or within a stated period at the option of the Coast Guard, the recipient, after receiving reasonable notice to do so, shall (1) submit a statement that the property is being utilized in compliance with all requirements imposed by or pursuant to this part, or a statement of the extent to which it is not, at the time the statement is made, so utilized, and (2) provide such methods of administration for the utilization of the property as are found by the Commandant to give reasonable assurance that the recipient will comply with all requirements imposed by or pursuant to this part, or reasonable assurance that any noncompliance indicated in the statement under clause (1) will be corrected.

(c) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education or to a nonprofit organization whose primary purpose is the conduct of scientific research (including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education or any other institution or organization, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the Commandant, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility, or part of a facility, the assurance shall in any event extend to

the entire facility and to facilities operated in connection therewith.

### § 24.20 Compliance information.

(a) *Cooperation and assistance.* The Commandant shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Commandant or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Commandant or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Commandant or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Commandant finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

### § 24.25 Conduct of investigations.

(a) *Periodic compliance reviews.* The Commandant or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Commandant or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the Commandant or his designee.

(c) *Investigations.* The Commandant or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Commandant or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 24.30.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section the Commandant or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

### § 24.30 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 24.15.* If an applicant fails or refuses to furnish an assurance required under § 24.15 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Coast Guard shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Coast Guard shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until: (1) The Commandant has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to § 24.40(e), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdictior over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the Commandant had determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Secretary, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

### § 24.35 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 24.30(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Commandant that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 24.30(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Coast Guard in Washington, D.C., at a time fixed by the Commandant unless he determines that the convenience of the applicant or recipient or of the Coast Guard requires that another place be selected. Hearings shall be held before the Commandant or, at his discretion, before an administrative law judge designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Coast Guard shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5-8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Coast Guard and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the administrative law judge at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the administrative law judge. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 24.40.

[CGFR 64-91, 29 FR 19297, Dec. 31, 1964, as amended by CGD 73-69R, 38 FR 10085, Apr. 24, 1973]

### § 24.40 Decisions and notices.

(a) *Decision by person other than the Commandant.* If the hearing is held by an administrative law judge such administrative law judge shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commandant for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the administrative law judge the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the Commandant his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Commandant may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Commandant shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Commandant.

(b) *Decisions on record or review by the Commandant.* Whenever a record is certified to the Commandant for decision or he reviews the decision of an administrative law judge pursuant to paragraph (a) of this section, or whenever the Commandant conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the Commandant shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 24.35(a) a decision shall be made by the Commandant on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or the Commandant shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision of the Commandant which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Commandant that it will fully comply with this part.

[CGFR 64-91, 29 FR 19297, Dec. 31, 1964, as amended by CGD 73-69R, 38 FR 10085, Apr. 24, 1973]

### § 24.45 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

### § 24.50 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Coast Guard, or by the Secretary, which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114 and regulations issued thereunder, or (2) any other regulations or instructions insofar as such regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Commandant shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 24.40), including the achievement of effective coordination and maximum uniformity within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations.

### § 24.55 Definitions.

As used in this part—

(a) The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(b) The term "Commandant" means the Commandant of the Coast Guard.

(c) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(d) The term "Federal financial assistance" includes: (1) Grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(g) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(h) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(i) The term "applicant" means one who submits an application, request, or plan required to be approved by the Commandant or by a primary recipient, as a condition to eligiblity for Federal financial assistance, and the term "application" means such an application, request, or plan.

### § 24.60 Programs to which this part applies.

(a) Lease of real property and the grant of permits, licenses, easements and rights-of-way covering real property under control of the Coast Guard, 14 U.S.C. 93(n) and (o).

(b) Utilization of Coast Guard personnel and facilities to assist any State, Territory, Possession, or political subdivision thereof, 14 U.S.C. 141(a).

(c) Detail of Coast Guard personnel for duty in connection with maritime instruction and training by the States, Territories, and Puerto Rico, 14 U.S.C. 148.

(d) Disposal of obsolete and other Coast Guard material to sea scout service of Boy Scouts of America, any incorporated unit of the Coast Guard Auxiliary, and public body or private organization not organized for profit, 14 U.S.C. 641(a).

(e) Grants for the support of basic scientific research to nonprofit institutions of higher education and nonprofit organizations whose primary purpose is conduct of scientific research, 42 U.S.C. 1891.

## PART 25—CLAIMS

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SOURCE: CGD 74-179, 41 FR 9328, Mar. 4, 1976, unless otherwise noted.

## Subpart A—General

AUTHORITY: 14 U.S.C. 633; 49 CFR 1.45(a)(2), unless otherwise noted.

### § 25.101 Purpose.

The regulations in this subpart prescribe the administrative procedure for the settlement of claims, other than contract claims, by and against the United States Coast Guard, including claims arising from acts or omissions of employees of nonappropriated fund activities within the United States, its territories, and possessions.

### § 25.103 Information and assistance.

Any person who desires to file a claim against the United States arising out of the activities of the Coast Guard may obtain information and assistance from Commandant (G-LCL), U.S. Coast Guard, Washington, D.C. or from the Commander of any Coast Guard District.

### § 25.105 Definitions.

(a) *Accrues.* A claim accrues on the date on which the alleged wrongful act or omission results in injury or damage for which the claim is made. In medical malpractice cases, however, a claim usually accrues when the claimant discovers, or in the exercise of reasonable diligence should have discovered the act or acts constituting the alleged malpractice.

(b) *Claim.* A written demand for the payment of a specified sum of money, other than for ordinary obligations incurred for services, supplies, or equipment.

### § 25.107 Who may present claims.

(a) A claim for property loss or damage may be presented by anyone having an interest in the property, or in his name by a duly authorized agent, legal representative, or survivor, or by a subrogee, unless a subrogated interest is barred under § 25.109(a).

(b) A claim for personal injury may be presented by the injured person or in his name by a duly authorized agent or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim under local law.

(d) A claim for medical, hospital, or burial expenses may be presented by any person who by reason of family relationship has, in fact, incurred the expenses for which the claim is made.

(e) A claim presented by an agent or legal representative must be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

(f) Where the same claimant has a claim for damage to or loss of property and a claim for personal injury or a claim based on death arising out of the same incident, they must be combined in one claim.

### § 25.109 Subrogation.

(a) A subrogated claim is not cognizable under Subparts D, G, H, or I of this part.

(b) The claims of a subrogor (insured) and subrogee (insurer) for damages arising out of the same incident constitute a single claim and thus the total of such claims may not exceed the monetary jurisdictions of the settlement authority. If the total of the combined claims exceeds, or is expected to exceed settlement limits, neither claim will be considered for payment, but the claim file will be forwarded to an appropriate settlement authority. Care will be exercised to avoid the splitting of subrogated claims through improper settlement procedures.

(c) A subrogor and a subrogee may file a claim jointly or individually. A fully subrogated claim is payable only to the subrogee. A joint claim must be asserted in the names of and signed by the parties in interest, and the approved payment will be made by a check to the joint claimants and sent to the subrogee. If separate claims are filed, payment will be made by check issued to each claimant to the extent of his undisputed interest.

(d) Each claimant must, as a part of his claim, make a written disclosure concerning insurance coverage as to—

(1) The names and addresses of all insurers;

(2) The kind and amount of insurance;

(3) The policy number;

(4) Whether a claim has been or will be presented to an insurer, and, if so, the amount of that claim; and

(5) Whether the insurer has paid the claim in whole or in part, or has indicated payment will be made.

(e) Each subrogee must substantiate his interest or right to file a claim by appropriate documentary evidence and must support his claim as to liability and measure of damages in the same manner as required of any other claimant. Documentary evidence of payment to a subrogor does not constitute evidence of liability of the Government or conclusive evidence of the amount of damages. The settlement authority makes an independent determination on the issues of fact and law based upon the evidence of record.

### § 25.111 Action by claimant.

(a) *Form of claim.* The claimant must submit his claim on authorized official forms whenever practicable. The forms are available from Commandant (G-LCL), U.S. Coast Guard, Washington, DC or from the Commander of any Coast Guard District.

(b) *Signatures.* The claim and all other papers must be signed in ink by the claimant or by his duly authorized agent or legal representative. His signature must include the first name, middle initial, and surname. A married woman must sign her claim by her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

(c) *Presentation.* The claim must be presented to the commanding officer of the Coast Guard unit involved, to a Coast Guard unit convenient to the claimant, or to Chief, Claims and Litigation Division, Office of Chief Counsel, United States Coast Guard, Washington, DC 20593. In a foreign country, where there is no Coast Guard unit, the claim will be treated as if presented to the Coast Guard if it is submitted to any attache 1 of the U.S. Armed Forces or to the commanding officer of any unit of the U.S. Armed Forces.

### § 25.113 Determination of compensation for damage or injury.

Unless otherwise prescribed by local law, statute, or implementing regulations, compensation for damage is determined in accordance with the following principles:

(a) *For damage to or loss of property:* (1) If the property has been or can be economically repaired, the measure of damages is the actual or estimated net cost of the repairs necessary to restore the property to substantially the condition which existed immediately before the incident. Damages so determined may not, however, exceed the value of the property immediately prior to the incident less the value thereof immediately after the incident. To determine the actual or estimated net cost of repairs, the value of any salvaged parts or materials and the amount of any net appreciation in value (betterment) effected through the repair is deducted from the actual or estimated gross cost of repairs, and the amount of any net depreciation in the value of the property is added to such gross cost of repairs, provided such adjustments are sufficiently substantial in amount to warrant consideration. All cost of repair awards are based upon the lower or lowest of two or more competitive bids, or upon statements or estimates by two or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(2) If the property cannot be economically repaired, the measure of damages is the value of the property immediately before the incident less the value thereof immediately after the incident. All estimates of value should be made, if possible, by two or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost or destroyed.

(3) Loss of use of damaged property which is economically repairable may, if claimed, be included to the extent of the reasonable expense actually incurred for appropriate substitute property, but only for such period as is reasonably necessary for repairs, and provided that idle substitute property of the claimant was not employed. When substitute property is not obtainable, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but is not obtained and used by the claimant, loss of use is normally not payable.

(b) *For personal injury or death.* (1) Damages may include, but are not limited to, reasonable medical, hospital or burial expenses necessarily incurred; loss of income; expenses incurred as a result of loss of services; physical disability; anticipated medical expenses; physical disfigurement; and pain and suffering.

(c) Punitive damages, interest, court costs, attorney's fees, bail, or other similar charges are not allowable as elements of damage.

### § 25.115 Proof of damage.

Independent evidence must be submitted by the claimant to support his claim. This evidence should include, if available, statements of witnesses, accident or casualty reports, photographs and drawings, and statement of loss to insurers. In addition, such evidence must consist, where applicable, of the following:

(a) *For personal injury or death.* (1) Itemized medical, hospital, and burial bills.

(2) A written report by the attending physician setting forth the nature and extent of the injury and the treatment, the necessity and reasonableness of the various medical expenses incurred, loss of time from employment, the duration and extent of pain and suffering and of any disability or physical disfigurement involved, and a current prognosis, including past, present, and future reduction of earning capacity, and any anticipated medical expenses. The report should also include any past medical history of the claimant relevant to the particular injury alleged, and should be submitted by the claimant in addition to all hospital records or other documentation of a medical nature arising from either this injury or any relevant past injury.

(3) Loss of time and earnings should be supported by a written certified statement of the claimant's employer stating the claimant's age, occupation, hours of employment, hourly rate of pay or weekly salary, time lost from work as a result of the incident, and his actual period of employment, full-time or part-time, and any effect of the injury upon such employment.

(4) If necessary, the claimant may, in a personal injury case, and with his consent, be required to be examined by an independent medical facility or physician. The settlement authority makes mutually convenient arrangement for such an examination and bears the costs thereof.

(5) Physical disfigurement, pain and suffering, loss of services or income sustained by the claimant must be supported by a statement of costs or loss incurred.

(b) *For loss of, or damage to, property.* (1) For each particular and distinct items of loss the claimant must submit two itemized statements or estimates of the cost of repairs or replacement, each supported by an appraisal or survey report signed by a disinterested and competent person familiar with the subject matter. The cost of appraisals or estimates are includable as elements of damage.

(i) A survey or appraisal must be performed as soon as practicable, and, whenever possible, unless waived in writing, must occur with all interests represented.

(ii) If the item is so severely damaged that it cannot be economically repaired or used, its value before and after the incident must be stated by such surveyor or appraisor.

(2) Whenever a claim includes loss of earnings or use during repairs to the damaged property, the following must also be furnished, where applicable, and supported by competent evidence:

(i) The date the vessel or property was damaged.

(ii) The name and location of the repair facility.

(iii) The beginning and ending dates of repairs.

(iv) A complete description of all repairs performed, segregating any work performed for the owner's account and not attributable to the incident involved, and the costs thereof.

(v) The date and place where the vessel or property was returned to service after completion of repairs, and an explanation, if applicable, of any delay.

(vi) Whether or not a substitute vessel or property was utilized by the claimant during the time of repair, and if so, an explanation as to the necessity of same, the costs incurred, the time of use and nature thereof, and any costs incurred that would have been similarly incurred by the claimant in utilization of his own property.

(vii) Whether or not during the course of undergoing repairs the vessel or property would have been employed, and an explanation submitted showing the identity of the person who offered that employment, the terms of the offer, time of prospective service, and rate of compensation.

(viii) If the vessel or property was under charter or hire at the time of damage, was otherwise employed, or would have been employed, the claimant must submit a statement of operating expenses that were, or would have been, incurred. This must include wages and all bonuses which would have been paid during the period of employment, the value of fuel which would have been consumed during the period of employment, the value of consumable stores which would have been consumed during the period of employment, and all other costs of operation which would have been incurred including, but not limited to, license and parking fees, personnel expenses, harbor fees, wharfage, dockage, shedding, stevedoring, towage, pilotage, inspection, tollage, lockage, anchorage and moorage, grain elevation, storage, and customs fees.

### § 25.117 Effect of other payments to claimant.

(a) The total amount to which the claimant and his subrogees, may be entitled is normally computed as follows:

(1) The total of the loss or damage suffered.

(2) Less any payment the claimant has received from the following sources:

(i) The U.S. employee who caused the incident.

(ii) The U.S. employee's insurer.

(iii) Any person or agency in a surety relationship with the U.S. employee.

(iv) Any joint tort-feasor or his insurer.

(3) No deduction is made for any payment the claimant has received by way of voluntary contributions, such as donations of charitable organizations.

(b) Where a payment has been made to the claimant by his insurer or other subrogee, or under workmen's compensation insurance coverage as to which subrogated interests are allowable, the payment based on the total damages is apportioned as their separate interests shall appear (§ 25.111).

### § 25.119 Settlement and notice to claimant.

(a) *Approval of full amount claimed.* When the settlement authority has determined that a claim should be approved in full, he certifies the claim for payment to the appropriate disbursing officer, forwarding the claim and attachments. If the time involved in settling the claim has been extensive, he notifies the claimant of the action taken on the claim.

(b) *Approval of less than full amount.* When the claim is determined to be meritorious in part the settlement authority—

(1) Notifies the claimant in writing of his determination;

(2) Obtains from the claimant written acceptance and release utilizing SF-1145 (Voucher for Payment), modified as appropriate, or a claims settlement agreement for payment of the claim in the reduced amount. Normally this requirement does not apply to claims under Subparts G and H of this part; and

(3) Advises the claimant, in the event he does not desire to accept the award, to reply within 45 days of the date of the settlement offer giving his reasons for rejection.

(c) *Nonacceptance of offer of settlement.* (1) Except upon a showing of good cause for nonacceptance of a proposed settlement within 45 days of the date of the settlement offer, the nonacceptance constitutes a rejection. Rejection by a claimant of an offer of settlement renders the offer void.

(2) When a claimant rejects an offer of a reduced amount or fails to reply thereto within 45 days of the date of the settlement offer, the settlement authority reviews the matter and if justified, makes further efforts to settle the claim. If further efforts to settle are unproductive, he notifies the claimant that his claim has been disallowed for the reason that the amount demanded is excessive.

### § 25.121 Appeals.

There is no appeal to higher authority following the final denial of a claim by a settlement authority except under the procedures contained in Subpart C of this part.

### § 25.123 Reconsideration.

(a) A settlement authority may reconsider a claim upon request of the claimant or someone acting in his behalf. Even in the absence of such a request, a settlement authority may on his own initiative reconsider a claim. He may reconsider a claim which he previously disapproved in whole or in part, even where a settlement agreement has been executed, when it appears that his original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If he determines that his original action was incorrect, he modifies the action and, if appropriate, makes a supplemental payment. The basis for a change in action is stated in a memorandum included in the file.

(b) A request for reconsideration should include the legal or factural grounds for the relief requested. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the settlement authority reconsiders the claim and attempts to settle it by granting such relief as may appear warranted. When further settlement efforts appear unwarranted, the claimant is notified that the relief requested cannot be granted.

(c) For the effect of reconsideration under the Federal Tort Claims Act see 28 CFR Part 14.

### § 25.125 Acceptance of offer of settlement.

The acceptance by a claimant of an offer of settlement is final and conclusive for all purposes and constitutes a complete release of any claim against the United States and against the military or civilian personnel of the Coast Guard whose act or omission gave rise to the claim.

### § 25.127 Redelegation of authority.

The authority delegated in this subpart to the District Commanders and Commanding Officers of certain Headquarters Units may, unless otherwise limited, be redelegated, in whole or in part, by a District Commander to his Chief of Staff and to any law specialist on his staff in an assigned legal billet and by a Commanding Officer of a Headquarters Unit to his Executive Officer and to any law specialist on his staff in an assigned legal billet. No further redelegation is authorized except for military personnel and civilian employees' claims. The Commander of any Coast Guard District may delegate his authority to settle such claims to the Commanding Officer of any district unit having a permanent legal officer billet, who may in turn delegate his authority to his Executive Officer or law specialist.

(14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45(a)(2))

[CGD 77-188, 43 FR 27531, June 26, 1978]

### § 25.129 Multiple claims.

When more than one claim arises out of the same incident and the total amount of the claims exceeds the monetary jurisdiction delegated to the settlement authority, all of the claims arising from that incident are forwarded to the Chief, Claims and Litigation Division, Office of Chief Counsel, with the settlement authority's recommendations for disposition.

### § 25.131 Cross-servicing of claims in foreign countries.

(a) The Department of Defense has assigned single-service responsibility for the settlement of claims in certain areas arising under the Foreign Claims Act, the Military Claims Act, the Nonscope of Employment Claims Act, and the Federal Claims Collection Act.

(b) In a country where single-service claims responsibility has been assigned, claims against the United States cognizable under the acts referred to in paragraph (a) of this section are processed and settled by the service assigned responsibility.

## Subpart B—Federal Tort Claims

AUTHORITY: 28 U.S.C. 2672; 28 CFR 14.11; 49 CFR 1.45(a)(2).

### § 25.201 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States under the Federal Tort Claims Act based on death, personal injury, or damage to or loss of property. Should there be a conflict between the provisions of this subpart and the provisions of the Department of Justice regulations, in 28 CFR Part 14, the latter govern.

### § 25.203 Claims payable.

Claims for death, personal injury, or damage to or loss of real or personal property are payable when the injury or damage is caused by a negligent or wrongful act or omission of military personnel or a civilian employee of the Coast Guard while acting within the scope of their employment under circumstances in which the United States, if a private person, would be liable to the claimant under the law of the place where the act or omission occurred.

### § 25.205 Claims not payable.

A claim is not payable if it—

(a) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not the statute or regulation is valid;

(b) Is based on the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty, whether or not the discretion is abused;

(c) Arises out of the loss, miscarriage, or negligent transmission of letters or other postal matter;

(d) Arises with respect to the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law enforcement officer;

(e) Is cognizable under the Suits in Admiralty Act or the Public Vessels Act;

(f) Arises out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act;

(g) Is for death, personal injury, or damage to or loss of real or personal property, of a member of the Armed Forces of the United States incurred incident to service;

(h) Arises out of assault, battery, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights, unless committed by Coast Guardsmen performing law enforcement duties;

(i) Arises out of combat activities of the Coast Guard during time of war;

(j) Arises in a foreign country;

(k) Is for taking of private property by trespass implied under local law or of a type contemplated by the Fifth Amendment to the United States Constitution; or

(l) Is for disability or death of a civilian employee of the United States for whom benefits are provided by the Federal Employees Compensation Act.

### § 25.207 Time limitations on claims.

(a) A claim may be settled only if presented in writing within two years after it accrues.

(b) The two year statute of limitations is not tolled until the Coast Guard receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or written notification of an incident, together with a claim for money damages in a sum certain, for death, personal injury, or damage to or loss of real or personal property. When a claim is received by a Coast Guard command which does not have settlement authority over the claim, it is transmitted to the proper settlement authority without delay.

### § 25.209 Notification to claimant of action on claim.

(a) If a claim is determined to be meritorious, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment, unless the claim has been approved for payment in full as presented.

(b) Upon final denial of a claim, the settlement authority informs the claimant of the disposition of his claim by certified or registered mail. Notification of final denial includes a statement that, if the claimant does not accept or is dissatisfied with the action, he may institute suit against the United States and that if he does so he must institute it within six months after the date of mailing of the notice of final denial.

(c) Failure of a settlement authority to take final action on a claim within six months after the date of receipt of the claim by the Coast Guard may be treated by the claimant as a final denial for the purpose of filing suit.

### § 25.211 Payment of claims.

Once the amount to be paid has been agreed upon, a check is normally forwarded to the claimant in 30 days.

If a claimant is represented by an attorney, both the claimant and his attorney are designated as payees on the check delivered to the claimant's attorney.

**§ 25.213 Delegation of authority.**

(a) Subject to written approval of the Attorney General of the United States of any payment in excess of $25,000, the Chief Counsel may deny or settle and authorize payment of claims in any amount.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $10,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $10,000.

(c) The following officers may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $5,000:

(1) The Commander of each Coast Guard District.

(2) The Superintendent, U.S. Coast Guard Academy.

(3) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

**§ 25.215 Indemnity or contribution.**

(a) *Sought by the United States.* If a claim arises under circumstances in which the United States is entitled to contribution or indemnity under a contract or the applicable law governing joint tort-feasors, the third party is notified of the claim, and is requested to honor its obligation to the United States or to accept its share of joint liability. If the issue of indemnity or contribution is not satisfactorily adjusted, a claim is settled only after consultation with the Department of Justice as provided in 28 CFR 14.7.

(b) *Sought from the United States.* Claims for indemnity or contribution from the United States are settled under this subpart if the incident giving rise to liability and the claim is otherwise cognizable under this subpart.

**§ 25.217 Attorneys' fees.**

Attorneys' fees for any claim settled under this subpart are limited to not more than 20 percent of the amount paid in settlement.

## Subpart C—Military Claims

AUTHORITY: 10 U.S.C. 2733; 49 CFR 1.45(a)(2).

**§ 25.301 Scope.**

This subpart prescribes the requirements for the administrative settlement of claims against the United States under the Military Claims Act for death, personal injury, or damage to or loss of property caused by military personnel or civilian employees of the Coast Guard acting within the scope of their employment, or otherwise caused by the noncombat activities of the Coast Guard.

**§ 25.303 Claims payable.**

(a) A claim arising at any place caused either by noncombat activities of the Coast Guard or by military personnel or civilian employees of the Coast Guard acting within the scope of employment, whether or not negligence is shown, is payable for—

(1) Damage to or loss of real property, including damage or loss incident to the use and occupancy of real property by the Coast Guard;

(2) Damage to or loss of personal property, including damage to or loss of property bailed to the Coast Guard;

(3) Death or personal injury.

(b) A claim arising at any place is payable for damage to or loss of registered or insured mail damaged, lost, or destroyed by the criminal act of military personnel or civilian employees of the Coast Guard while the mail is in the possession of the Coast Guard.

**§ 25.305 Claims not payable.**

A claim is not payable if it—

(a) Results directly or indirectly from action by the enemy, or by U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict;

(b) Results wholly or partly from the negligence or wrongful act of the claimant or his agent, unless comparative negligence is applicable under local law;

(c) Results from a specific risk which the claimant expressly assumed in writing before the incident giving rise to the claim;

(d) Is for personal injury or death of a member or civilian employee of the Armed Forces of the United States whose death or injury was incident to service;

(e) Is for personal injury or death of a civilian employee covered by the Federal Employees' Compensation Act or Longshoreman's and Harbor Workers' Compensation Act, as made applicable to certain employees of non-appropriated fund instrumentalities of the Armed Forces under 5 U.S.C. 8171-8173;

(f) Is cognizable under Subparts B, D, and G of this part;

(g) Is purely contractural in nature;

(h) Is for damage to or loss of property voluntarily bailed to the Coast Guard for the sole benefit of the bailor, e.g., jewelry and money bailed for safekeeping;

(i) Is for rent, or other payments involving the acquisition, use, possession, or disposition of real property or interests therein by and for the Coast Guard except as provided in section 503(a)(1) of this subpart;

(j) Is for the taking of private property by trespass except for actual physical damage; or

(k) Is made by a national, or a corporation controlled by nationals, of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country unless the command exercising claims authority over the incident determines that the claimant is, and at the time of the incident was, friendly to the United States. However, a prisoner of war or an interned enemy alien is not excluded as to a claim for damage to or loss of personal property in the custody of the Government otherwise payable under this subpart.

## § 25.307 Time limitation on claims.

(a) A claim may be settled only if presented in writing within two years after it accrues, except that if it accrues in time of war or armed conflict or if war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not more than two years after the termination of the war or armed conflict.

(b) For the purposes of this section, a war or armed conflict is one in which an Armed Force of the United States is engaged. The dates of commencement and termination of an armed conflict will be as established by concurrent resolution of Congress or by determination of the President.

## § 25.309 Procedure.

(a) If a claim is determined to be meritorious in any amount and the claimant indicates a willingness to accept the amount offered in settlement of the claim, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

(b) Upon disapproval of a claim, in whole or in part, the settlement authority notifies the claimant in writing of the action taken and the reasons therefor. The letter of notification informs the claimant that:

(1) He may submit an appeal, in writing, through the settlement authority disapproving the claim;

(2) No particular form for appeal is prescribed;

(3) The appeal should set forth fully the legal or factual bases asserted as grounds for the appeal; and

(4) The appeal must be postmarked within 45 days after the date of notice of disapproval of the claim.

(c) The disapproval of a claim, in whole or in part, is final unless the claimant submits an appeal, in writing, through the settlement authority who disapproved the claim.

(d) Upon receipt of an appeal, the settlement authority who denied the claim may treat the appeal as a request for reconsideration, in which case the processing of the appeal may be delayed pending the outcome of further efforts by the settlement authority to settle the claim. If proper settlement cannot be reached the appeal is forwarded in accordance with paragraph (e) of this section.

(e) Upon receipt of an appeal, the settlement authority who denied the claim examines it, and if reconsideration is not considered appropriate he forwards it with the related file and his opinions and recommendations to:

(1) The Chief Counsel if the claim does not exceed $5,000; or

(2) The Secretary of Transportation if the claim exceeds $5,000.

[CGD 76-141, 41 FR 39742, Sept. 16, 1976]

### § 25.311 Delegation of authority.

(a) The Chief Counsel may deny any claim and may settle and authorize payment of claims in which the amount of payment does not exceed $25,000. If the Chief Counsel determines that a claim is meritorious in an amount in excess of $25,000 he may authorize payment of $25,000, without the release or settlement agreement required in § 25.309, and report the excess to Congress for its consideration.

(b) Subject to appeal to the Chief Counsel, the following officers may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $5,000:

(1) The Chief, Claims and Litigation Division, Office of Chief Counsel.

(2) The Commander of each Coast Guard District.

(3) The Superintendent, U.S. Coast Guard Academy.

(4) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

## Subpart D—Claims Arising in Foreign Countries

AUTHORITY: 10 U.S.C. 2734; 49 CFR 1.45(a)(2).

### § 25.401 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States by a foreign country, a political subdivision or inhabitant thereof, for death, personal injury or damage to or loss of property occurring therein, caused by the noncombat activities of the Coast Guard, or a military member or civilian employee of the Coast Guard.

### § 25.403 Proper claimants.

(a) The claimant, or the decedent in a death case, must have been an inhabitant of a foreign country at the time of the incident giving rise to the claim and must not be otherwise excluded in this subpart. It is not necessary that a claimant be a citizen of, or have his legal domicile in, the foreign country to establish that he is an inhabitant thereof.

(b) A corporation or other organization doing business in a foreign country on a permanent basis may qualify as a proper claimant although organized under U.S. law.

(c) The government of a foreign country or a political subdivision thereof is a proper claimant unless waiver provisions of applicable international agreements exclude such claims.

### § 25.405 Claimants excluded.

The following claimants are excluded:

(a) U.S. military personnel and civilian employees of the United States Government or its agencies and instrumentalities and their dependents, who are in a foreign country primarily because of their own or their sponsor's duty status.

(b) Other citizens of the United States, its territories, commonwealths, or possessions, unless they have resided in the country in which the incident occurred for more than 90 consecutive days immediately preceding the incident.

### § 25.407 Claims payable.

(a) A claim is payable for—

(1) Death or personal injury;

(2) Damage to or loss of real or personal property; or

(3) Solatia payments when dictated by local custom.

(b) A claim is payable if it arose out of a noncombat activity of the Coast Guard or was caused by—

(1) Military personnel of the Coast Guard;

(2) Civilian employees of the Coast Guard who are United States citizens and who are employed in the country in which the incident occurred; or

(3) Civilian employees of the Coast Guard who are employed in the country in which the incident occurred; however, if the employee is a national of that country, he must be acting

within the scope of his employment when the incident occurred.

(c) The fact that the act giving rise to a claim may constitute a crime does not, by itself, bar relief.

(d) Local law or custom pertaining to contributory or comparative negligence, and to joint tort feasors, are applied to the extent practicable.

### § 25.409 Claims not payable.

A claim is not payable if it—

(a) Results from action by an enemy or results directly or indirectly from an act of the Armed Forces of the United States in combat;

(b) Is purely contractual in nature;

(c) Is governed by the Federal Employees' Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;

(d) Is one for which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty agreement;

(e) Arises from private or domestic obligations as distinguished from governmental transactions;

(f) Is a bastardy claim;

(g) Involves a patent or copyright infringement; or

(h) Is a subrogated claim.

### § 25.411 Time limitations on claims.

A claim may be settled only if presented in writing, stated in the currency of the country where the incident occurred, within two years after it accrues.

### § 25.413 Notification to claimant of action on claim.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

### § 25.415 Delegation of authority.

(a) The authority to appoint foreign claims commissions is delegated to the following:

(1) The Chief Counsel may appoint foreign claims commissions to consider claims in any amount.

(2) The Commander of each Coast Guard District may appoint foreign claims commissions to consider claims not in excess of $5,000.

(3) The Commanding Officer of Coast Guard Activities Europe may appoint foreign claims commissions to consider claims not in excess of $2,500.

(4) The Commanding Officer of each Coast Guard Section may appoint foreign claims commissions to consider claims not in excess of $1,000.

(b) The authority to settle and pay foreign claims is delegated to the following:

(1) Any foreign claims commission may, without any other approval, settle and pay a claim when the amount of the payment does not exceed $2,500, except those appointed under paragraph (a)(4) of this section, whose authority is limited to $1,000.

(2) The Commander of each Coast Guard District, upon the receipt of the report of a foreign claims commission appointed by him or any of his subordinate commanders, may approve for payment a claim when the amount of the payment does not exceed $5,000.

(3) The Chief Counsel, upon the receipt of the report of a foreign claims commission appointed by him or referred to him, may settle and pay any claim where the amount to be paid does not exceed $25,000.

(4) In any case where a foreign claim is considered to be meritorious in an amount in excess of $25,000, the Chief Counsel may pay the claimant $25,000, and without the release or settlement authority required in § 25.415 certify the excess to Congress.

[CGD 74-179, 41 FR 9328, Mar. 4, 1976, as amended by CGD 76-141, 41 FR 39742, Sept. 16, 1976]

## Subpart E—Non-Scope Claims

AUTHORITY: 10 U.S.C. 2737; 49 CFR 1.45(a)(2).

### § 25.501 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United

States under the Non-Scope of Employment Claims Act for death, personal injury, or damage to or loss of property incident to the use of a government vehicle or other government property.

### § 25.503 Claims payable.

Claims for death, personal injury, or damage to or loss of real or personal property are payable in an amount not to exceed $1,000 when caused by a member or a civilian employee of the Coast Guard—

(a) Incident to the use of a vehicle of the United States at any place;

(b) Incident to the use of any other property of the United States on a government installation.

### § 25.505 Claims not payable.

This subpart does not apply to a claim that—

(a) Is cognizable under any other provision of law or regulation administered by the Coast Guard;

(b) Results wholly or partly from the negligent or wrongful act of the claimant, his agent, or his employee;

(c) Is for any element of damage pertaining to death or personal injury other than the cost of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid by the United States;

(d) Is legally recoverable by the claimant under a compensation statute or an insurance policy; or

(e) Is a subrogated claim.

### § 25.507 Time limitations on claims.

A claim may be settled under this subpart only if presented in writing within two years after it accrues.

### § 25.509 Notification to claimant of action on claim.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

### § 25.511 Delegation of authority.

The following officers may deny any claim and may settle and authorize payment of claims in which the amount of payment does not exceed $1,000:

(a) The Chief Counsel.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel.

(c) The Commander of each Coast Guard District.

(d) The Superintendent, U.S. Coast Guard Academy.

(e) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

## Subpart F—Admiralty Claims

AUTHORITY: 14 U.S.C. 646; 15 U.S.C. 633; 49 CFR 1.45(d)(2).

### § 25.601 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for death, personal injury, damage to or loss of property caused by a vessel or other property in the service of the Coast Guard, or a maritime tort committed by an agent of the Coast Guard, and for towage and salvage services rendered to such vessels or property.

### § 25.603 Claims payable.

The following claims are payable:

(a) Claims for death, personal injury, damage to or loss of real or personal property arising from a maritime tort caused by an agent or employee of the Coast Guard, or a vessel or other property in the service of the Coast Guard including an auxiliary facility operated under specific orders and acting within the scope of such orders.

### § 25.605 Claims not payable.

This subpart does not apply to a claim that—

(a) Arises from the activities of the Coast Guard while engaged in or preparing for combat;

(b) Is for death or personal injury of members of the Armed Forces of the United States incurred incident to their service, or of civilian employees of the United States to whom the Federal Employees Compensation Act applies; or

(c) Is payable under Subpart G of this part, the Military Personnel and Civilian Employees Claims Act.

### § 25.607 Time limitation on claims.

(a) Claims must be administratively settled and approved for final payment by the settlement authority within two years from the date of the cause of action accrues or the claim is barred.

(b) If a complaint is filed in a Federal district court before the expiration of the two year period, an administrative settlement may be negotiated by the settlement authority at any time with the consent of the Department of Justice. Payment will be made upon final dismissal of the complaint.

### § 25.609 Notification to claimant of action on claim.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

### § 25.611 Delegation of authority.

(a) The Chief Counsel may deny any claim and may settle and authorize payment of claims in which the payment does not exceed $25,000.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $10,000 and may settle and authorize payment of claims in which the payment does not exceed $10,000.

(c) The following officers may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the payment does not exceed $5,000:

(1) The Commander of any Coast Guard District.

(2) The Superintendent, U.S. Coast Guard Academy.

(3) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

## Subpart G—Military Personnel and Civilian Employees' Claims

AUTHORITY: 31 U.S.C. 241; 49 U.S.C. 1655(b); 49 CFR 1.45(a)(2), unless otherwise noted.

### § 25.701 Scope.

This subpart prescribes the requirements for the administrative settlement and payment of claims against the Coast Guard, under the Military Personnel and Civilian Employees' Claims Act, by members and civilian employees of the Coast Guard for damage to or loss of personal property incident to service where the possession of the property is reasonable, useful, and proper under the circumstances.

### § 25.703 Claims payable.

Only the following types of property damage are considered sustained incident to service, and claims arising therefrom are payable if the possession of the property is reasonable, useful, or proper under the circumstances, and where replacement in kind is not appropriate:

(a) *Losses in quarters or other authorized places.* (1) Damage to or loss of personal property, other than motor vehicles and their contents, by fire, flood, hurricane, theft, or other unusual occurrence, while located at:

(i) Permanent quarters, including garages, carports, and attached structures, inside the 50 States and the District of Columbia, only if provided by the Government to the claimant, but not including housing or quarters leased by the Government;

(ii) All permanent quarters, including garages, carports, and attached structures, outside the 50 States and the District of Columbia occupied by the claimant, unless he is a civilian employee of the Coast Guard who is a local inhabitant;

(iii) Living spaces of assigned permanent duty station of the claimant, actually occupied by the claimant as quarters during periods of overnight duty or underway operations for more than 24 hours:

(iv) Any warehouse, office, hospital, baggage storage area, or other place designated and authorized for receiving or storing property. Storage of the personal property lost or damaged must have been authorized by competent authority and the claimant must comply with local regulations concerning storage. The storage must be of a nature that removes the propertv from the possession and control of the owner and places it directly under the supervision, control, and security of the Government.

(2) Claims for loss of money, currency, small items of substantial value, or articles of extraordinary value, by theft from quarters are payable only where definite proof of loss by larceny, burglary, or housebreaking is present, evidence establishes that the claimant exercised reasonable care for the protection of the property under all the circumstances, and the loss by theft was reported to the unit commanding officer within 24 hours of discovery.

(b) *Transportation and travel losses.* (1) Damage to or loss of personal property incident to travel or transportation in connection with a permanent change of station, performance of temporary duty, or performance of other official duty. Losses incurred while property is stored at a commercial facility for the personal convenience of the claimant at his expense, pursuant to a permanent change of station, are not compensable.

(2) [Reserved]

(c) *Motor vehicle losses.* Notwithstanding any other provision of this subpart, damage to or loss of privately owned motor vehicles, their contents, and accompanying component parts, are payable only if:

(1) Shipped under permanent change of station orders;

(2) Incident to TAD or TDY travel when POV is the specifically authorized mode of travel, limited to a maximum payment of $100; or

(3) Incurred in use necessary in the performance of official government business under circumstances in which the owner or operator is entitled to payment of local travel.

(d) *Housetrailer losses.* (1) A "Housetrailer" is a residence designed to be moved overland, and includes all household goods, personal effects, and professional books, papers, and equipment contained in the trailer and owned or intended for use by the member of his dependents.

(2) Claims for damage to or loss of housetrailers arising incident to shipment under orders are payable only if—

(i) Transported by the service member, an agent or agency of the government, or other carrier having operating rights approved by the Interstate Commerce Commission if interstate, or under applicable State regulations when the shipment is within a single state; and

(ii) The owner has placed the housetrailer, including the chassis, brakes, tires, tubes, bearings, undercarriage, frame, and other parts of the housetrailer and its contents, in fit condition to withstand the stress of normal transportation. Acceptance of a housetrailer for shipment by a carrier is presumptive evidence that the housetrailer was in condition to withstand the stress of normal transportation.

(e) *Losses in marine or aircraft disasters.* Damage to or loss of personal property carried on board any vessel or aircraft that results from a marine or aircraft disaster, excluding losses sustained in a leave status.

(f) *Losses due to hostile action.* Damage to or loss of personal property resulting from—

(1) Enemy action or threat of such action;

(2) Combat or performance of a combat mission;

(3) Foreign belligerent activities; or

(4) Unjust confiscation by a foreign power or its nationals hostile to the United States.

(g) *Losses of money deposited for safekeeping.* Loss of personal funds when accepted by responsible government personnel with apparent authority to receive them for the purpose of safekeeping, deposit, transmittal, or authorized disposition.

(h) *Losses of property incurred in the performance of official duties.* (1) Damage to or loss of personal property incurred in use necessary in the performance of official government business; or

(2) Damage to or loss of personal property as a direct result of an unusual risk, one that is beyond the normal risks of every day life, to which the property is subjected during the performance of official government business.

(14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45(a)(2))

[CGD 74-179, 41 FR 9328, Mar. 4, 1976, as amended by CGD 76-141, 41 FR 39742, Sept. 16, 1976; CGD 77-70, 42 FR 22879, May 5, 1977; CGD 78-093, 43 FR 36930, Aug. 21, 1978]

### § 25.705 Claims not payable.

A claim is not payable for—

(a) Money or currency except—

(1) When deposited for safekeeping under § 15.703(g);

(2) When lost incident to a marine or aircraft disaster under § 25.703(e);

(3) When lost incident to hostile action under § 25.703(f); or

(4) When lost by fire, flood, hurricane, or theft from quarters under § 25.703(a). Claims for loss of money or currency are not payable in excess of $150 when the loss arises under § 25.703(a) or § 25.703(f).

(b) Small items of substantial value such as jewelry, cameras, electronic equipment, and binoculars; and articles of extraordinary value such as precious metals, paintings, and antiques, except when lost—

(1) Incident to a marine or aircraft disaster under § 25.703(e);

(2) Incident to the shipment of household goods that has been declared a "high value" shipment;

(3) Incident to hostile action under § 25.703(f);

(4) By fire, flood, hurricane, or theft from quarters under § 25.703(a).

(c) Articles or property worn or carried on the person, except under § 25.703(e), (f), or (h).

(d) Property acquired by or in the possession of the claimant intended directly or indirectly for the use of others either by gift or through sale.

(e) Damage to or loss of property for use in a private or commercial business enterprise.

(f) Subrogated interests presented by, or on behalf of, insurers or other subrogees.

(g) Damage to or loss of property for which recovery has been, or can be, obtained from an insurer, carrier, or contractor, except under the concurrent claims procedure of § 25.709(c).

(h) Damage to or loss of property resulting wholly or partly from the negligence of the claimant, his agent, or employee.

(i) Fees for obtaining estimates of repair where such fee is deducted from the cost of repairs if the work is accomplished.

(j) Fees for the pick-up and delivery of property repaired except when proof of payment of such fees is presented by the claimant.

(k) Damage to or loss of motor vehicles except to the extent allowable under § 25.703(c).

(14 U.S.C. 663; 10 U.S.C. 2733; 10 U.S.C. 2734; 49 CFR 1.46(b))

[CGD 74-179, 41 FR 9328, Mar. 4, 1976, as amended by CGD 77-70, 42 FR 22879, May 5, 1977]

### § 25.707 Time limitations on claims.

(a) A claim may be settled and paid only if presented in writing within two years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not more than two years after the termination of the war or armed conflict.

(b) For the purposes of this section, a war or armed conflict is one in which an Armed Force of the United States is engaged. The dates of commencement and termination of an armed conflict will be as established by concurrent resolution of Congress or by determination of the President.

### § 25.709 Procedure.

(a) Except as provided in paragraph (c) of this section, before submission of a claim under this subpart the following requirements must be met:

(1) Whenever property cognizable under § 25.703 is damaged or lost, and is insured in whole or in part, the claimant must make a demand in writing against the insurer for reimbursement under the terms and conditions of, and within the time limit required by the insurance policy.

(2) Whenever property cognizable under § 25.703 is damaged or lost while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the carrier known to have handled or transported the property. If more than one bill of lading was issued, a separate demand must be made on the carrier known to have handled or

transported the property on each bill of lading.

(b) Failure to make demand on a carrier, contractor, or insurer under paragraph (a) of this section, or failure to make all reasonable efforts to collect the amount recoverable from them, results in a reduction of the amount recoverable under this subpart by the maximum amount that would have been recoverable from the carrier, contractor, or insurer had claims been timely made or diligently prosecuted by the claimant. This paragraph does not apply in cases where the circumstances of the claimant's service precludes seasonable filing of such a claim or diligent prosecution, or evidence is presented by the claimant that a demand for reimbursement would have been impracticable or futile.

(c) To expedite the settlement of household effects claims, the claim presented to the Government under this subpart may be submitted concurrently with the demand made against the carrier, contractor, or insurer. The claimant must direct the carrier, contractor, or insurer to address all correspondence regarding the claim to the commanding officer of the unit or activity at which the claim against the Government was filed, to send any payment in settlement of the claim against the carrier, contractor, or insurer to that commanding officer and to make it payable to the claimant.

(d) Where collateral recovery is available to the claimant under paragraph (a) of this section, no claim is paid under this subpart until—

(1) A subrogation agreement in favor of the United States in the amount paid is executed by the claimant; and

(2) An agreement is signed by the claimant to return to the United States any recovery obtained by him from third parties up to the amount paid under this subpart.

(e) Claims are presented in writing to the commanding officer of the unit or activity with which the claimant is serving, or if no longer serving in or with the Coast Guard, the Commander of the nearest Coast Guard District.

(f) In any case involving damage to property that renders it a total loss, uneconomically repairable, the settlement authority, prior to payment, may require the claimant to surrender the property in return for payment. Any property so surrendered becomes property of the United States.

## § 25.711 Replacement in kind.

Items of military clothing and related articles which have been lost or destroyed incident to service may be replaced in kind. The items issued in replacement need not be new and unused if they are in at least as good condition as the lost or destroyed items immediately before the incident causing the loss or destruction.

## § 25.713 Delegation of authority.

(a) The Chief Counsel may deny any claim and settle and authorize payment of any claim in an amount not exceeding $15,000.

(b) The Chief, Office of Personnel may deny any claim for damage to or loss of personal property incident to transportation in connection with a permanent change of station, and any claim arising under § 25.703(d), and may settle and authorize payment of any such claims in an amount not exceeding $10,000.

(c) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of the payment does not exceed $5,000. This authority shall extend to all claims arising under this subpart except those for which authority has been delegated to the Chief, Office of Personnel and the Chief, Personnel Services Division.

(d) The Chief, Personnel Services Division may deny claims arising under § 25.703(d) not exceeding $5,000 and may deny claims for damage to or loss of property incident to transportation in connection with a permanent change of station not exceeding $5,000, and may settle and authorize payment of any such claims in which the amount of the payment does not exceed $5,000.

(e) The following officers may deny claims not exceeding $1,000 and may settle and authorize payment of claims in which the payment does not exceed $1,000:

(1) The Commander of any Coast Guard District.

(2) The Superintendent, U.S. Coast Guard Academy.

(3) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

(f) The officers to whom authority is delegated in paragraphs (a), (b), (c), (d), and (e) of this section, and any commanding officer in the grade of Lieutenant Commander or above may settle claims of military personnel for replacement in kind arising under this subpart.

(g) The officers to whom authority is delegated in paragraphs (a), (b), (c), (d), (e), and (f) of this section, and any commanding officer in the grade of Lieutenant Commander or above may settle claims of military personnel for replacement in kind arising under this subpart.

(14 U.S.C. 633; 10 U.S.C. 2733; 10 U.S.C. 2734; 49 CFR 1.46(b))

[CGD 74-179, 41 FR 9328, Mar. 4, 1976, as amended by CGD 77-70, 42 FR 22879, May 5, 1977]

### § 25.715 Attorneys' fees.

Attorneys' fees for any claim settled and paid under this subpart are limited to not more than 10 percent of the amount paid in settlement.

### § 25.717 Limitations, exclusions, and depreciation.

Claims for damage to or loss of personal property settled under this subpart are subject to the limitations, exclusions, and depreciation contained in Appendix 1, Department of Transportation Order 2770.9.

(14 U.S.C. 633; 10 U.S.C. 2733; 10 U.S.C. 2734; 49 CFR 1.46(b))

[CGD 77-70, 42 FR 22880, May 5, 1977]

## Subpart H—Auxiliary Claims

AUTHORITY: 14 U.S.C. 830, unless otherwise noted.

### § 25.801 Scope.

The regulations in this subpart prescribe the requirements for the administrative settlement of claims of members of the Coast Guard Auxiliary for damage to or loss of an Auxiliary facility or equipment.

### § 25.803 Claims payable.

Damage to or loss of an Auxiliary facility or equipment, including a trailered facility en route to or from the launching area, is payable if—

(a) There is in existence a current offer of use, accepted by the Coast Guard;

(b) At the time the damage or loss is incurred the facility was assigned to authorized specific Coast Guard duties and was operated within the scope of those duties; and

(c) All forms required by the Auxiliary Manual, CG-305, are on file and current.

### § 25.805 Claims not payable.

A claim is not payable if it—

(a) Is for damage to or loss of equipment if its possession was not reasonable under the circumstances;

(b) Is for damage to or loss of a facility or equipment, including a trailer, en route to or from a launching site caused wholly or partly by the negligence of the Auxiliarist;

(c) Results wholly or partly from the gross negligence or willful misconduct of the Auxiliarist;

(d) Has been the subject of a claim by the Auxiliarist against his insurer to the extent the Auxiliarist has been reimbursed by his insurer;

(e) Results from theft;

(f) Results from the failure of the Auxiliarist to properly maintain the facility or equipment;

(g) Is for repair or replacement of a facility or equipment attributable to normal wear;

(h) Is presented by, or on behalf of, insurers or other subrogees;

(i) Is for routine operational expenses such as fuel, oil, water, power, supplies, or provisions unless combined with a claim for damage or loss.

(14 U.S.C. 633; 10 U.S.C. 2733; 10 U.S.C. 2734; 31 U.S.C. 241; 49 U.S.C. 1655(b); 49 CFR 1.45(a) and 1.46(b))

[CGD 74-179, 41 FR 9328, Mar. 4, 1976, as amended by CGD 77-70, 42 FR 22880, May 5, 1977]

### § 25.807 Time limitations on claims.

A claim may be settled only if presented in writing to the District Director of the Auxiliary in the Coast Guard District where the claim arose within 60 days after it accrues unless good cause is shown for the delay.

### § 25.809 Procedure.

(a) Claims may be filed either as an endorsement to an Auxiliarist's original Coast Guard orders or by letter to the District Director of the Auxiliary. The amount of the claim must be clearly stated and the claim accompanied by the following:

(1) The original Coast Guard Auxiliary Operational Orders.

(2) The Certificate of Loss or Damage required by the Auxiliary Manual, CG-305.

(3) In cases of damage, two itemized estimates of the cost of repairs.

(4) In cases of loss, copies of original sales documents and proof of the salvage value.

(b) When a facility suffers loss of or damage to its hull, machinery, or equipment, the circumstances surrounding the damage or loss must be reported immediately to the command that issued the orders under which the facility was operating or to the District Director of the Auxiliary. Repairs to a facility may not be undertaken until after a Coast Guard investigator, or his designee, has inspected the damage. Failure to comply with this requirement will normally result in the denial of any claim.

(c) In any case where evidence of negligence on the part of the owner or operator of the Auxiliary facility is involved, the claim is referred to the Chief Counsel.

(d) Where the negligence of third parties has caused or contributed to the damage to or loss of an Auxiliary facility or equipment, no claim is paid to the Auxiliarist until—

(1) A subrogation agreement in favor of the United States in the amount paid is executed by the Auxiliarist; and

(2) An agreement is signed by the Auxiliarist to return to the United States any recovery obtained by him from third parties.

### § 25.811 Delegation of authority.

(a) The Chief Counsel may deny or settle and authorize payment of any claim regardless of the amount claimed.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $5,000.

(c) The Commander of each Coast Guard District may deny claims not exceeding $2,500 and may settle and authorize payment of claims in which the amount of payment does not exceed $2,500 except where evidence of negligence on the part of the owner or operator of the Auxiliary facility is involved.

## Subpart I—Article 139, Uniform Code of Military Justice (UCMJ)

AUTHORITY: 10 U.S.C. 939; 49 CFR 1.45(a)(2).

### § 25.901 Scope.

This subpart prescribes the requirements for the administrative settlement of claims under Article 139, Uniform Code of Military Justice, against members of the Coast Guard for damage to or loss of property willfully caused by them.

### § 25.903 Claims payable.

Claims for damage to or loss of real or personal property caused by a member of the Coast Guard are payable when the damage or loss results from—

(a) Riotous, violent, and disorderly conduct or acts of depredation by an individual or group that evinces a reckless disregard of property rights;

(b) Willful or intentional acts constituting a crime under local law;

(c) Gross negligence demonstrating a conscious indifference to the property rights of others.

### § 25.905 Claims not payable.

A claim is not payable if it—

(a) Results from simple negligence;

(b) Is a subrogated claim;

(c) Is for damage to or loss of property resulting from the act or omission of a member of the Coast Guard acting within the scope of employment;

(d) Is for damage to or loss of property owned by the United States or property of a Nonappropriated Fund Activity;

(e) Is for damage to or loss of property where gross negligence of the claimant, his agent, or employee is involved;

(f) Has been paid by a third party;

(g) Is for indirect or remote damages;

(h) Is for personal injury or death;

(i) Extends to damage or loss that results from the owner's failure to mitigate his damages; or

(j) Exceeds the actual reasonable costs of repair or replacement of the property lost or damaged.

### § 25.907 Time limitation on claims.

A claim may be settled only if presented in writing within 60 days after it accrues unless good cause is shown for the delay.

### § 25.909 Limitation on payment of claims.

No member of the Coast Guard will be required to pay more than $1,000 for any single act or incident giving rise to a claim under this subpart.

### § 25.911 Authority.

(a) The Commanding Officer of the member responsible for the damage to or loss of property may deny any claim or approve for payment any claim where the amount to be paid does not exceed $1,000. No claim in excess of $300 is approved for payment by the commanding officer without prior approval of the Chief Counsel.

(b) Where members of more than one command are responsible for the damage to or loss of property, the Commanding Officer with jurisdiction over all members responsible is the approving authority.

(c) The determination of the Commanding Officer is final.

### § 25.913 Notification to claimant of action on claim.

When the Commanding Officer of the member responsible for the damage to or loss of property approves payment of a claim, the claimant is notified in writing of this action and the manner in which payment will be made.

### § 25.915 Payment of claims.

Claims are paid by the member responsible for the damage to or loss of property. Payment is made to the claimant either directly by the member responsible or withheld from his pay and forwarded to the claimant by a disbursing officer.

## Subpart J—Pollution Removal Damage Claims

AUTHORITY: 33 U.S.C. 1321(j)(1)(A); 33 U.S.C. 1321(l); E.O. 11735, Sec. 5(a), (b)(3); 49 CFR 1.46(m).

### § 25.1001 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for damage to or loss of property resulting from containment or removal activities during Phase III or IV of the National Contingency Plan of February 1975, under the Federal Water Pollution Control Act.

### § 25.1003 Claims payable.

Claims for damage to or loss of real or personal property are payable if—

(a) Caused by the United States, its employees, agents, or contractors, incurred in pollution response activities under Phase III or IV of the National Contingency Plan; and

(b) In the exercise of care reasonable under the circumstances, the action giving rise to the claim was necessary and the damage unavoidable.

### § 25.1005 Claims not payable.

A claim is not payable if it—

(a) Is for death or personal injury; or

(b) Arises out of activities to contain or remove a discharge of oil or other hazardous polluting substance from a U.S. or foreign public vessel or federally controlled facility.

### § 25.1007 Delegation of authority.

Claims cognizable under this subpart are a cost of response activities under Phases III and IV of the National Contingency Plan of February 1975, under the Federal Water Pollution Control Act; therefore, the delegations under Part 153 of this Title apply.

## Subparts K—M—[Reserved]

## Subpart N—Property Damage Claims on Behalf of the Coast Guard

AUTHORITY: 14 U.S.C. 642; 14 U.S.C. 633; 49 CFR 1.45(a)(2), unless otherwise noted.

### § 25.1401 Scope.

This subpart prescribes the authority for the administrative collection, compromise, and settlement of claims on behalf of the Coast Guard, under 14 U.S.C. 642, for the damage to or destruction of aids to navigation or other property belonging to the Coast Guard.

### § 25.1403 Aids to Navigation.

Claims for damage to or destruction of aids to navigation and related property maintained by the Coast Guard include the following:

(a) Direct costs incident to repairing or replacing damaged, destroyed, or lost aids to navigation, their appurtenances, or related property.

(b) Cost of returning a floating aid to navigation to its proper position regardless of damage to the aid.

(c) Cost of placing into operation and removing a temporary aid to navigation for that which is damaged, destroyed, or lost.

(d) Cost of locating, recovering, and removing a damaged, destroyed, or lost aid to navigation, or any of its appurtenances, or attempts to do so.

### § 25.1405 Other property belonging to the Coast Guard.

Claims for damage to or destruction of other property belonging to the Coast Guard may be administratively collected, compromised, and settled under this subpart only if the property damaged or destroyed is to be repaired or replaced, and only to the extent of the direct costs of repair or replacement.

### § 25.1407 Private repair or replacement.

The repair or replacement of an aid to navigation or other property belonging to the Coast Guard may be done by a private person only if the plans and schedule are acceptable to the Coast Guard. The Coast Guard does not pay for any enhanced value unless previously agreed to in writing.

### § 25.1409 Delegation of authority.

(a) The Chief Counsel may collect, compromise, and settle claims on behalf of the United States in any amount for damage to or destruction of aids to navigation and related property maintained by the Coast Guard, or for damage to or destruction of other property belonging to the Coast Guard which is to be repaired or replaced.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel may collect, compromise, and settle claims on behalf of the United States for damage to or destruction of aids to navigation and related property maintained by the Coast Guard, or for damage to or destruction of other property belonging to the Coast Guard which is to be repaired or replaced, where the amount of the claim does not exceed $20,000.

(c) The Commander of each Coast Guard District may collect, compromise, and settle claims on behalf of the United States for damage to or destruction of aids to navigation and related property maintained by the Coast Guard, or for damage to or destruction of other property belonging to the Coast Guard which is to be repaired or replaced, where the amount of the claim does not exceed $15,000.

(d) The Superintendent, U.S. Coast Guard Academy, and the Commanding Officer of each Headquarters unit having a permanent legal officer billet may collect, compromise, and settle claims on behalf of the United States for damage to or destruction of property, other than aids to navigation and other related property, belonging to the Coast Guard which is to be repaired or replaced, where the amount of the claim does not exceed $15,000.

(10 U.S.C. 2733; 10 U.S.C. 2734; 31 U.S.C. 241; 49 U.S.C. 1655(b); 49 CFR 1.45(a) and 1.46(b))

[CGD 74-179, 41 FR 9328, Mar. 4, 1976, as amended by CGD 77-90, 42 FR 22880, May 5, 1977]

### § 25.1411 Settlement agreement.

The person making restitution to the Coast Guard under § 25.1407 or § 25.1409, receives a settlement agreement executed by the officer authorized to collect, compromise, and settle the claim.

## Subpart O—Admiralty Claims on Behalf of the Coast Guard

AUTHORITY: 14 U.S.C. 647; 49 U.S.C. 1655(b); 14 U.S.C. 633; 49 CFR 1.45(a)(2).

### § 25.1501 Scope.

This subpart prescribed the authority for the administrative collection, compromise, and settlement of admiralty claims on behalf of the Coast Guard under 14 U.S.C. 647. This subpart does not extend to those claims on behalf of the Coast Guard arising in admiralty that are cognizable under Subpart N of this part.

### § 25.1503 Delegation of authority.

(a) The Chief Counsel may collect claims in full, and compromise and settle claims where the amount received does not exceed $25,000, arising in admiralty and not cognizable under Subpart N of this part for—

(1) Damage to United States property under the control of the Coast Guard; and

(2) Damage to property for which the Coast Guard has assumed any obligation to respond for damages thereto.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel may collect claims in full, and compromise and settle claims, where the amount of the claim does not exceed $10,000, arising in admiralty and not cognizable under Subpart N of this Part for damage to property described in paragraphs (a)(1) and (a)(2) of this section;

(c) The following officers may collect claims in full, and compromise and settle claims arising in admiralty and not cognizable under Subpart N of this Part for damage to United States property under the control of their command, or for damage to property described in paragraph (a)(2) of this section, where the amount of the claim does not exceed $10,000:

(1) The Commander of each Coast Guard District;

(2) The Superintendent, U.S. Coast Guard Academy;

(3) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

### § 25.1505 Release.

The person satisfying a claim under this subpart receives a release executed by the officer authorized to collect, compromise, and settle the claim.

## Subpart P—Federal Claims Collection Act

AUTHORITY: 31 U.S.C. 952; 49 CFR 89.1.

### § 25.1601 Scope.

This subpart prescribes the authority and standards for the administrative collection, compromise, suspension or termination of action to collect, claims on behalf of the Coast Guard regardless of the source.

### § 25.1603 Single claim.

A debtor's total liability to the United States arising from a particular incident is a single claim in determining whether the claim is within the authority delegated under § 25.1609.

### § 25.1605 Direct private payments.

(a) When a person who is responsible for damage to Government property, or his insurer, offers to have the property repaired to the satisfaction of the Coast Guard and to pay the cost of repairs directly to the repairer, direct payment is authorized where that procedure is in the best interests of the United States.

(b) The Coast Guard does not pay for any enhanced value unless previously agreed to in writing.

### § 25.1607 Release.

The settlement authority executes a release either upon receipt of agreed payment of the claim or upon completion of the repairs and receipt of evidence of payment in full to the repairer under § 25.1605.

### § 25.1609 Delegation of authority.

Any settlement authority may accept payment in full of any claim on behalf of the Coast Guard. The functions, powers, and duties of the Commandant, U.S. Coast Guard, to compromise, suspend or terminate action to collect claims on behalf of the United States arising out of Coast Guard activities, or matters referred to the Coast Guard, are delegated to—

(a) The Chief Counsel for any claim that does not exceed $20,000;

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel for any claim that does not exceed $10,000;

(c) The Comptroller, U.S. Coast Guard for any claim that does not exceed $5,000 arising out of activities under his cognizance;

(d) The Commander of each Coast Guard District, and the Commanding Officer of each Headquarters Unit having a permanent legal officer billet, for any claims that do not exceed $5,000 arising out of the activities of his command.

### § 25.1611 Exceptions to delegated authority.

The authority delegated in § 25.1609 does not apply to—

(a) Claims cognizable under Subparts N or O of this part;

(b) Claims against a foreign government unless specifically authorized by the Commandant;

(c) Claims involving an adjustment for unused passenger transportation services;

(d) Claims against a civilian employee as a result of an erroneous payment or overpayment of pay;

(e) The authority delegated in § 25.1609(d) does not extend to the compromise, suspension or termination of actions to collect claims arising out of erroneous payments or overpayments of military pay and allowances.

### § 25.1613 Referral.

(a) The Chief Counsel may refer any claim to the Department of Justice or the General Accounting Office;

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel may refer any claim to the Department of Justice or the General Accounting Office that does not exceed $10,000;

(c) Any District Commander—

(1) may refer a claim within his delegated authority to the appropriate United States Attorney provided collection action has been taken and the claim cannot be compromised, suspended, or terminated in accordance with 4 CFR Chapter II;

(2) refers any claim in excess of his delegated authority which cannot be collected in full to the Chief Counsel;

(d) Any other settlement authority who is unable to compromise, suspend, or terminate collection action of a claim refers the claim to the Chief Counsel.

## PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

Sec.

26.01 Purpose.
26.02 Definitions.
26.03 Radiotelephone required.
26.04 Use of the designated frequency.
26.05 Use of radiotelephone.
26.06 Maintenance of radiotelephone; failure of radiotelephone.
26.07 English language.
26.08 Exemption procedures.
26.09 List of exemptions.
26.10 Penalties.

AUTHORITY: 85 Stat. 164; 33 U.S.C. 1201-1208; 49 CFR 1.46(o)(2), unless otherwise noted.

SOURCE: CGD 71-114R, 37 FR 12720, June 28, 1972, unless otherwise noted.

### § 26.01 Purpose.

(a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part—

(1) Requires the use of the vessel bridge-to-bridge radiotelephone;

(2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;

(3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.

(b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

### § 26.02 Definitions.

For the purpose of this part and interpreting the Act—

"Secretary" means the Secretary of the Department in which the Coast Guard is operating;

"Act" means the "Vessel Bridge-to-Bridge Radiotelephone Act", 33 U.S.C. sections 1201-1208;

"Length" is measured from end to end over the deck excluding sheer;

"Power-driven vessel" means any vessel propelled by machinery; and

"Towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (14 U.S.C. 2); 49 CFR 1.46(b))

[CGD 71-114R, 37 FR 12720, June 28, 1972, as amended by CGD 77-118a, 42 FR 35784, July 11, 1977]

### § 26.03 Radiotelephone required.

(a) Unless an exemption is granted under § 26.09 and except as provided in paragraph (a)(4) of this section, section 4 of the Act provides that—

(1) Every power-driven vessel of 300 gross tons and upward while navigating;

(2) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(3) Every towing vessel of 26 feet or over in length while navigating; and

(4) Every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels: *Provided*, That an unmanned or intermittently manned floating plant under the control of a dredge need not be required to have separate radiotelephone capability;

Shall have a radiotelephone capable of operation from its navigational bridge, or in the case of a dredge, from its main control station, and capable of transmitting and receiving on the frequency or frequencies within the 156-162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by paragraph (a) of this section shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

### § 26.04 Use of the designated frequency.

(a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. 1207(a), to transmit any information other than information necessary for the safe navigation of vessels or necessary tests.

(b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

(c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

NOTE: The Federal Communications Commission has designated the frequency 156.65 MHz for the use of bridge-to-bridge radiotelephone stations.

### § 26.05 Use of radiotelephone.

Section 5 of the Act states—

(a) The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

### § 26.06 Maintenance of radiotelephone; failure of radiotelephone.

Section 6 of the Act states—

(a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

### § 26.07 English language.

No person may use the services of, and no person may serve as a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204 unless he can speak the English language.

### § 26.08 Exemption procedures.

(a) Any person may petition for an exemption from any provision of the Act or this part;

(b) Each petition must be submitted in writing to U.S. Coast Guard (G-W), 2100 Second Street SW., Washington, DC 20593, and must state—

(1) The provisions of the Act or this part from which an exemption is requested; and

(2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

[CGD 71-114R, 37 FR 12720, June 28, 1972, as amended by CGD 73-256, 39 FR 9176, Mar. 8, 1974]

### § 26.09 List of exemptions.

(a) All vessels navigating on those waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(b) Each vessel navigating on the waters under the navigation rules for the Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§ 26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-7 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

[CGD 72-223R, 37 FR 28633, Dec. 28, 1972, as amended by CGD 74-291, 39 FR 44980, Dec. 30, 1974; CGD 74-304, 40 FR 19470, May 5, 1975]

### § 26.10 Penalties.

Section 9 of the Act states—

(a) Whoever, being the master or person in charge of a vessel subject to the Act, fails to enforce or comply with the Act or the regulations hereunder; or whoever, being designated by the master or person in charge of a vessel subject to the Act to pilot or direct the movement of a vessel fails to enforce or comply with the Act or the regulations hereunder—is liable to a civil penalty of not more than $500 to be assessed by the Secretary.

(b) Every vessel navigated in violation of the Act or the regulations hereunder is liable to a civil penalty of not more than $500 to be assessed by the Secretary, for which the vessel may be proceeded against in any District Court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary, upon such terms as he may deem proper.

# SUBCHAPTER B—MILITARY PERSONNEL

## PART 45—ENLISTED PERSONNEL

Subpart 45.01—Enlistments

Sec.
45.01-1 Enlistments, general.
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AUTHORITY: Sec. 92, 63 Stat. 503, as amended, secs. 351, 368, 63 Stat. 520, as amended, 524; 14 U.S.C. 92, 351, 368.

SOURCE: CGFR 51-28, 16 FR 10310, Oct. 10, 1951, unless otherwise noted.

### Subpart 45.01—Enlistments

**§ 45.01-1 Enlistments, general.**

All enlistments in the Coast Guard shall be for general service without reference to any particular unit, and enlisted persons may be transferred as necessary from one unit to another.

**§ 45.01-5 Authority.**

Original enlistments will be made only at regular recruiting stations unless otherwise authorized by the Commandant. An original enlistment is the enlistment of a man who has not had previous service in the Regular Coast Guard.

**§ 45.01-10 Recruiting instructions.**

Instructions will be issued to recruiting officers by the Commandant from time to time setting forth the terms of enlistments for which men are to be accepted, the rates in which enlistments may be made, the maximum and minimum ages for enlistments, and other qualifications for enlistments.

**§ 45.01-15 Officers who may be authorized to effect enlistments.**

A commanding officer, an executive officer (under the direction of the commanding officer), and a recruiting officer shall be enlisting officers. When an enlistment is made by an enlisted person, the oath of allegiance shall be administered by a commissioned, commissioned warrant, or warrant officer, a notary public, or any other officer who may be authorized by law to administer such oaths.

**§ 45.01-20 Reasons for rejection.**

None of the following persons shall be enlisted in the Coast Guard:

(a) An insane or intoxicated person.

(b) A person of known bad character.

(c) A person known to have committed a crime.

(d) A person who is a deserter from the military service of the United States.

(e) An unmarried person under 21 years of age, who has not the consent of his father, only surviving parent, or legal guardian. If he has no parent or legal guardian residing in the United States or in the possession of the United States where his enlistment is being made, his enlistment may be effected provided he executes a statement to that effect on the reverse side of the enlistment contract.

(f) A married person who does not submit a signed statement from his lawful wife that she understands and is agreeable to the contract upon which her husband is about to enter.

(g) A person who does not meet the standard physical requirements for enlistment. No waiver of physical defects will be granted for original enlistment.

### § 45.01-25 Fraudulent enlistment.

When a person wilfully conceals any fact, circumstance, or condition, other than minority, that existed prior to enlistment that would have made him ineligible for enlistment, such enlistment, if voided by the Commandant, shall be fraudulent.

### § 45.01-30 Contract of enlistment.

Under a contract of enlistment to serve for a specified term, unless sooner discharged by proper authority, an enlisted person is bound to serve during the full term of enlistment. The Government, however, is not bound to continue him in service for a single day, but may dismiss him at the very first moment or at any subsequent period whether with or without cause for so doing, provided the officer directing the discharge be proper authority. The Commandant is hereby designated the proper authority to terminate the contract of enlistment.

### § 45.01-35 Applications.

Any person desiring to enlist in the Coast Guard should apply at a Coast Guard Recruiting Station. Inquiry concerning the location of recruiting stations may be addressed to the Commandant, U.S. Coast Guard, Washington, D.C. 20226, to any Coast Guard District Commander, or to any other Coast Guard unit. If there is a Coast Guard unit in a particular locality, it will usually be listed in the local telephone directory. In processing an application for enlistment, the Coast Guard determines the mental, moral, and physical fitness of the applicant, through reference to local police files, character references, employers, school authorities, and physical examination.

## Subpart 45.05—Reenlistments

### § 45.05-1 Reenlistments; definitions.

(a) The enlistment of any man who has previously served in the Regular Coast Guard shall be considered a reenlistment.

(b) An enlisted man must reenlist within three months from date of discharge in order to remain in continuous service status and to receive the benefits deriving therefrom.

[CGFR 51-28, 16 FR 10310, Oct. 10, 1951, as amended by CGFR 61-55, 26 FR 12572, Dec. 28, 1961]

### § 45.05-5 Term of reenlistment.

A reenlistment shall be for a period of two, three, four, or six years as the Commandant may prescribe from time to time.

### § 45.05-10 Effected by.

Reenlistments shall be effected by those authorized to effect original enlistments (§ 45.01-5), except that a person who is physically and otherwise qualified for reenlistment, who reenlists on the day following discharge, may be reenlisted at the unit from which discharged by the enlisting officer of the unit.

### § 45.05-15 Physical examination.

(a) A man reenlisting within twenty-four hours after discharge is not required to take a physical examination prior to reenlistment provided he was found physically qualified for discharge in accordance with § 45.10-10.

(b) A man not reenlisting within twenty-four hours after discharge must pass the standard physical examination without waiver, except that the Commandant may waive an injury or disease incurred in line of duty.

## Subpart 45.10—Discharges

### § 45.10-1 Types of discharges.

(a) Upon separation from the Coast Guard for any other reason than death, an enlisted person shall be entitled to receive a discharge. Retirement or desertion shall not be considered separation from the Coast Guard. The types of discharges and corresponding character of separation shall be as follows:

| *Type of discharge* | *Character of separation* |
|---|---|
| Honorable discharge | Honorable. |
| General discharge | Under honorable conditions. |
| Undesirable discharge | Conditions other than honorable. |
| Bad Conduct discharge | Conditions other than honorable. |
| Dishonorable discharge | Dishonorable. |

(b) The type of discharge issued an enlisted person upon separation from the Coast Guard shall be determined by the reason for discharge and the character of service rendered during his period of enlistment.

### § 45.10-5 Issuance of discharges.

(a) An honorable discharge may be issued to an enlisted person who is discharged for any one of the following reasons:

(1) Expiration of enlistment.
(2) Convenience of the Government.
(3) Dependency or hardship.
(4) Minority.
(5) Disability.
(6) Unsuitability.
(7) Security.
(8) When directed by the Commandant.

(b) A general discharge shall be issued to an enlisted person who is discharged for any of the reasons set forth in paragraph (a) of this section whose military record is not sufficiently meritorious to warrant an honorable discharge.

(c) An undesirable discharge may be issued to an enlisted person who is discharged for any of the following reasons:

(1) Unfitness for reasons other than physical disability.
(2) Misconduct.
(3) Security.

(d) Bad conduct discharges and dishonorable discharges shall only be issued to enlisted persons who are discharged in accordance with the approved sentences of Coast Guard courts-martial.

[CGFR 59-8, 24 FR 2830, Apr. 14, 1959]

### § 45.10-10 Physical examination prior to discharge.

The basic purpose of Title IV of the Career Compensation Act of 1949 (Pub. Law 351, 81st Cong.) is to provide a means of separating from the active list and from active service those men who become physically disabled for any further service, and one of the key provisions of the law is that one which says that no member of the service shall be separated or retired for physical disability without a full and fair hearing if such member shall demand it. In view of this provision, prior to discharge every enlisted person, except those being discharged for physical or mental disability, shall be given a standard physical examination, the results of which shall be recorded and made a part of the person's permanent record.

## Subpart 45.20—Miscellaneous

### § 45.20-1 Application for certificate in lieu of discharge.

A person whose discharge has been lost or destroyed without intentional fault on his part may make application for a certificate in lieu of discharge to the Commandant, U.S. Coast Guard, Washington, D.C. 20226. Upon submission of data satisfactory to the Commandant, a certificate in lieu of discharge will be issued. If application for a certificate in lieu of discharge is denied, the applicant will be so notified.

[CGFR 54-1, 19 FR 937, Feb. 18, 1954]

## PART 47—PAYMENT OF COUNSEL FEES AND OTHER EXPENSES IN FOREIGN COURTS

Sec.
47.01 Policy.
47.02 Purpose.
47.05 Statutory authority.
47.08 Responsibility.
47.10 Criteria for the provision of counsel and payment of expenses in criminal cases.
47.11 Provision of bail in criminal cases.
47.12 Criteria for the furnishing of counsel and payment of expenses in civil cases.
47.15 Procedures for hiring of counsel and payment of expenses.
47.17 Payment of counsel fees and other expenses.
47.20 Reimbursement.

AUTHORITY: 72 Stat. 1445; 10 U.S.C. 1037.

SOURCE: CGFR 60-40, 25 FR 5933, June 28, 1960, unless otherwise noted.

### § 47.01 Policy.

It is the policy of the Department of the Treasury to protect, to the maximum extent possible, the rights of United States Coast Guard personnel who may be subject to trial by foreign courts and imprisonment in foreign prisons.

### § 47.02 Purpose.

The regulations in this part establish criteria and assign responsibility for the provision of counsel, for the provision of bail, and for the payment of court costs and other necessary and reasonable expenses incident to representation in civil and criminal proceedings, including appellate proceedings, before foreign courts and foreign administrative agencies, which involve any persons subject to the court-martial jurisdiction of the United States Coast Guard. Payment of fines is not authorized hereunder.

### § 47.05 Statutory authority.

(a) Under regulations to be prescribed by him, the Secretary concerned may employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation, before the judicial tribunals and administrative agencies of any foreign nation, of persons subject to the Uniform Code of Military Justice. So far as practicable, these regulations shall be uniform for all armed forces.

(b) The person on whose behalf a payment is made under this section is not liable to reimburse the United States for that payment, unless he is responsible for forfeiture of bail provided under subsection (a).

(c) Appropriations available to the military department concerned or the Department of the Treasury, as the case may be, for the pay of persons under its jurisdiction may be used to carry out this section. Act of September 2, 1958 (72 Stat. 1445) Title 10, U.S.C. 1037.

### § 47.08 Responsibility.

(a) Requests for provision of counsel, provision of bail or payment of expenses will ordinarily be made by the defendant accused or cited in a foreign court or agency through channels appropriate under the circumstances to the officer exercising general court-martial jurisdiction over him. This officer will determine whether the request meets the criteria prescribed in this part and based upon such determination will take final action to approve or disapprove the request.

(b) In the interest of obtaining prompt and effective legal service, the Commandant may designate as approval authority, instead of the officer exercising general court-martial jurisdiction, any subordinate U.S. Coast Guard officer having area responsibility in a particular country for all U.S. Coast Guard personnel subject to foreign criminal jurisdiction.

### § 47.10 Criteria for the provision of counsel and payment of expenses in criminal cases.

Requests for the provision of counsel and payment of expenses in criminal cases may be granted in both trial and appellate proceedings in any one of the following criminal cases:

(a) Where the act complained of occurred in the performance of official duty; or

(b) Where the sentence which is normally imposed includes confinement in excess of six months, whether or not such sentence is suspended; or

(c) Where capital punishment might be imposed; or

(d) Where an appeal is made from any proceeding in which there appears to have been a denial of the substantial rights of the accused; or

(e) Where the case, although not within the criteria established in paragraph (a), (b), (c), or (d), of this section, is considered to have significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

### § 47.11 Provision of bail in criminal cases.

(a) Funds for the posting of bail or bond to secure the release of personnel from confinement by foreign authorities before, during, or after trial may be furnished in all criminal cases. Safeguards should be imposed to assure that at the conclusion of the proceedings or on the appearance of the defendant in court the bail or bond will be refunded to the military authorities.

(b) Bail will be provided only to guarantee the presence of the defendant and will not be provided to guarantee the payment of fines or civil damages. It is contemplated that provision of bail will be made, in any case, only after other reasonable efforts have been made to secure release of pretrial custody to the United States by other normal methods.

### § 47.12 Criteria for the furnishing of counsel and payment of expenses in civil cases.

(a) Request for provision of counsel and payment of expenses in civil cases may be granted in both trial and appellate proceedings in either of the following cases:

(1) Where the act complained of occurred in the performance of official duty; or

(2) Where the case is considered to have a significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

(b) No funds shall be provided under these regulations in cases where the United States of America is in legal effect the defendant without prior authorization of the Commandant.

### § 47.15 Procedures for hiring of counsel and payment of expenses.

(a) The selection of individual trial or appellate counsel shall be made by or with the approval of the defendant. Such counsel shall represent the individual defendant and not the Government of the United States. Selection will be from approved lists of attorneys. These lists will normally be coordinated with the local bar association, if any, and the appropriate diplomatic mission of the United States. In any event, these lists will be composed only of attorneys who are qualified and admitted for full practice, on their own account, before the courts of the foreign country involved. Counsel fees and expenses should conform to amounts paid under similar circumstances by nationals of the foreign country where the trial is held. When appropriate and reasonable in the case, the payment of expenses, in addition to counsel fees, may include court costs, bail costs, charges for obtaining copies of records, printing and filing, interpreter fees, witness fees and other necessary and reasonable expenses. Expenses will not include the payment of fines or civil damages, directly or indirectly.

(b) Whenever possible a written contract between the selected counsel and the officer responsible under § 47.08 or his designee acting on behalf of the United States of America, shall be entered into. The Contract shall cover counsel fees, and, when appropriate other costs, arising in defense of the entire case in the court of the first instance. In the event the case is appealed to higher tribunals, supplemental agreements shall be executed for each appeal. A copy of the contractual agreement shall serve as the obligating document. This contract shall be written so as not to establish an employer-employee relationship between the selected counsel and the Government of the United States.

(c) If, because of local conditions or customs, it is not practicable to enter into a formal contractual arrangement, a letter of understanding shall be executed between the officer responsible under § 47.08 or his designee and the selected counsel. There should be a mutual understanding that the counsel fees and other expenses arising in defense of the case, which will be paid by the U.S. Coast Guard, shall conform to amounts paid by nationals of the foreign country under similar circumstances.

(d) The provision of counsel and payment of expenses under these regulations in this part is not subject to the provisions of the Comptroller Manual, U.S. Coast Guard. However, the contract clauses set forth in Part 5, section VII, Armed Services Procurement Regulations may be used as a guide in contracting.

(e) In consideration of the desirability of timely procedural action, a legal officer on the staff of the officer responsible under § 47.08 may be designated contracting officer with contracting authority limited to agreements described in this section. The effect of this designation would be to combine within one office the duties of contracting officer and legal officer.

### § 47.17 Payment of counsel fees and other expenses.

Payment of bills submitted by the selected counsel and other costs shall be made upon acceptance of services procured under the regulations in this part when approved by the officer responsible under § 47.08 or his designee. Payments of bail may be made when authorized by such officers.

**§ 47.20 Reimbursement.**

No reimbursement shall ordinarily be required from defendants with respect to payments made in their behalf under the regulations in this part. However, all payments made in behalf of a defendant who willfully causes forfeiture of bail provided on his behalf under these regulations shall constitute a debt owed to the United States. Prior to the posting of bail on the behalf of a defendant, a signed agreement will be secured from the defendant wherein he agrees to remit the amount of such bail or permit the application of so much of his pay as may be necessary to reimburse the Government in the event he willfully causes forfeiture of bail. Such agreement should be made with the understanding that it does not prejudice his right of appeal to the Comptroller General and the courts of adjudication after such payment or deduction has been made if he considers the amount thereof to be erroneous.

## PART 49—PAYMENT OF AMOUNTS DUE MENTALLY INCOMPETENT COAST GUARD PERSONNEL

### Subpart 49.01—General Provisions

Sec.
49.01-1 Applicability.
49.01-5 Requests for appointment of trustee.
49.01-10 Determination of incompetency.

### Subpart 49.05—Trustee

49.05-1 Appointment of trustee.
49.05-5 Bonding of trustee.
49.05-10 Affidavits required.

### Subpart 49.10—Reports and Moneys

49.10-1 Reports required.
49.10-5 Payment of moneys due.
49.10-10 Cessation of payments.
49.10-15 Final accounting by trustee.

### Subpart 49.15—Additional instructions

49.15-1 Implementing instructions.

AUTHORITY: Secs. 1, 2, 3, 4, 64 Stat. 249, 250; 37 U.S.C. 351, 352, 353, 354.

SOURCE: CGFR 51-48, 16 FR 10636, Oct. 18, 1951, unless otherwise noted.

### Subpart 49.01—General Provisions

**§ 49.01-1 Applicability.**

The Commandant of the Coast Guard is hereby designated and is authorized to appoint, in his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accumulated or accrued leave, or any retired or retainer pay, otherwise payable to personnel on the active or retired list of the Coast Guard and Coast Guard Reserve, entitled to Federal pay either on the active or any retired list of said service, who, in the opinion of competent medical authority, have been determined to be mentally incapable of managing their own affairs, and for whom no legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.

**§ 49.01-5 Requests for appointment of trustee.**

Requests for the appointment of a person or persons to receive moneys due personnel believed to be mentally incapable of managing their own affairs shall be submitted to the Commandant of the Coast Guard:

(a) By any person or persons who believe, because of relationship, they should be appointed to receive payments on behalf of the alleged incompetent;

(b) By the Commanding Officer of the alleged incompetent if the latter is on active duty;

(c) By the Commanding Officer of any Armed Forces hospital in which the mentally incompetent is undergoing treatment;

(d) By the head of any veterans' hospital, or other public or private institution in which the alleged incompetent is undergoing treatment;

(e) By any other person or organization acting for and in the best interests of the alleged mentally incompetent.

**§ 49.01-10 Determination of incompetency.**

After examining the legitimacy, substance, and sufficiency of the application, the Commandant shall either (a) direct the Commanding Officer of the alleged mentally incompetent, (b) the Commanding Officer of the Coast Guard unit to which such incompetent may be conveniently referred, or (c) request the Surgeon General of the Public Health Service to convene or appoint, at the Public Health Hospital or facility, where the alleged incompetent is receiving treatment or to which his case may be conveniently referred, a board of not less than three qualified medical officers, one of whom shall be specially qualified in the treatment of mental disorders, to determine whether the alleged incompetent is capable of managing his own affairs. The record of proceedings, and the findings of the board shall, after action by the Convening or Appointive Authority thereon, be forwarded to the Commandant.

## Subpart 49.05—Trustee

### § 49.05-1 Appointment of trustee.

Upon receipt of a finding by a board convened or appointed in accordance with § 49.01-10, that the alleged incompetent is mentally incapable of managing his own affairs, the Commandant may appoint a suitable person or persons, not under legal disability so to act, as trustee or trustees to receive in behalf of the incompetent all amounts due the incompetent from such sources set forth in § 49.01-1, and to use said funds in the best interests of the incompetent.

### § 49.05-5 Bonding of trustee.

The trustee or trustees appointed to receive moneys in behalf of incompetent personnel shall furnish a bond in all cases when the amounts to be received may be expected to exceed $1,000, and in such other cases when deemed appropriate by the Commandant. The bond so required and furnished shall have as surety a company approved by the Federal Government, and shall be in such amount as is required by the Commandant. Such bonds shall be continued in effect for the life of trusteeship and expenses in connection with the furnishing and renewal of such bonds may be paid out of sums due the incompetent.

### § 49.05-10 Affidavits required.

The trustee or trustees appointed to receive moneys due incompetent personnel shall, prior to the payment of any such moneys, execute and file with the Commandant an affidavit or affidavits saying and deposing that any moneys henceforth received by virtue of such appointment shall be applied solely to the use and benefit of the incompetent and that no fee, commission, or charge shall be demanded, or in any manner accepted, for any service or services rendered in connection with such appointment as trustee or trustees.

## Subpart 49.10—Reports and Moneys

### § 49.10-1 Reports required.

The trustee or trustees so appointed shall submit reports annually, or at such other times as the Commandant may designate. The report shall show a statement of the conditions of the trust account at the time of the submission of the report, including all funds received on behalf of the incompetent; all expenditures made in behalf of the incompetent, accompanied by receipts or vouchers covering such expenditures; and a receipt indicating that the surety bond required by § 49.05-5 has been renewed. When the trustee is the spouse or adult dependent of the incompetent, receipts or vouchers need not be filed for expenditures made for living expenses. If the trustee or trustees fail to report promptly and properly at the end of any annual period or at such other times as the Commandant desires, the Commandant may, in his discretion, cause payment to such trustee or trustees to cease, and may, if deemed advisable, appoint another person or persons not under legal disability so to act, to receive future payments of moneys due the incompetent for the use and benefit of the incompetent.

### § 49.10-5 Payment of moneys due.

Upon the appointment of a trustee or trustees to receive moneys due an incompetent, the authorized certifying officer having custody of that person's pay record shall be advised. After such notification, payments of moneys due the incompetent may be made by the appropriate officer in accordance with procedure prescribed by the Commandant. All such payments so made, however, shall be made to the designated trustee or trustees.

### § 49.10-10 Cessation of payments.

(a) Payments of amounts due incompetent personnel shall cease to be paid to the trustee or trustees upon receipt of notification by the authorized certifying officer of the occurrence of any of the following:

(1) Death of the incompetent;

(2) Death or disability of the trustee or trustees appointed;

(3) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the incompetent by a court of competent jurisdiction;

(4) Failure of the trustee or trustees to render the reports required by § 49.10-1;

(5) That there is probable cause to believe that moneys received on behalf of the incompetent have been, or are being, improperly used;

(6) A finding by a board of medical officers that the heretofore incompetent is mentally capable of managing his own affairs;

(7) That the Commandant deems it to be in the best interest of the incompetent.

(b) In the event of termination of payments under paragraphs (a)(2), (4), (5), or (7) of this section, the Commandant may, if deemed appropriate, appoint a successor trustee or trustees. The successor trustee or trustees, so appointed, shall comply with the provisions of the regulations and instructions in this part issued thereunder, and do all acts in the manner required of the original trustee or trustees.

### § 49.10-15 Final accounting by trustee.

The trustee or trustees, when payments, hereunder are terminated, shall file a final account with the said Commandant. Thereupon, the trustee or trustees will be discharged and the surety released. In event of death or disability of the trustee, the final accounting will be filed by his legal representative.

## Subpart 49.15—Additional Instructions

### § 49.15-1 Implementing instructions.

The Commandant is hereby authorized to issue such instructions not in conflict with the regulations in this part as may be necessary from time to time to give full force and effect thereto.

# PART 50—COAST GUARD RETIRING REVIEW BOARD

Sec.
50.1 Establishment and duties of Board.
50.2 Composition of Board.
50.3 Request for review.
50.4 Presentation of case.
50.5 Action by the Board.
50.6 Notification of final action.

AUTHORITY: Sec. 8, 18 Stat. 127, as amended, sec. 302, 58 Stat. 287, as amended; 14 U.S.C. 92, 38 U.S.C. 693i.

SOURCE: 10 FR 5650, May 17, 1945, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

NOTE: For the text of waivers of navigation and vessel inspection laws and regulations, see Part 19 of this chapter.

### § 50.1 Establishment and duties of Board.

(a) A Retiring Review Board, referred to in this part as the Board, is hereby established in the Coast Guard.

(b) It will be the duty of the Board to review, at the request of any Coast Guard officer retired or released to inactive service, without pay, for physical disability, pursuant to the decision of a retiring board, the findings and decision of the retiring board. The term "retired or released to inactive service" includes every kind of separation from the service.

(c) After reviewing the findings and decision of a retiring board the Board will affirm or reverse, in whole or in part, the findings and decision of the retiring board.

(d) In carrying out its duties the Board shall have the same powers as exercised by, or vested in, the retiring board whose findings and decision are being reviewed.

### § 50.2 Composition of Board.

(a) The Board will be composed of five commissioned officers designated for each case from a panel appointed by the Commandant. The senior Coast Guard members of the panel will designate the members of the Board for each case, three of whom shall be officers of the Coast Guard and two of whom shall be officers of the Public Health Service.

(b) The senior Coast Guard member of the Board will be President and the junior Coast Guard member will be Recorder.

(c) The Board will convene at the time and place designated by the President for each case, and will recess and adjourn at his order.

[10 FR 5650, May 17, 1945. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 53-12, 18 FR 2953, May 22, 1953]

### § 50.3 Request for review.

(a) Any officer of the Coast Guard who is retired or released to inactive service, without pay, for a physical disability, pursuant to the decision of a Coast Guard retiring board, may request a review of the findings and decision of the retiring board.

(b) An application requesting a review must be in writing and shall be addressed to the Retiring Review Board, Coast Guard Headquarters, Washington D.C. 20226. Forms for application for review will be provided upon request.

(c) An application requesting a review shall contain:

(1) The full name of the applicant;

(2) The mailing address of the applicant;

(3) A brief statement setting out the basis of the request for review, showing in general the nature of error or inequity believed to have occurred in the findings and decision of the retiring board;

(4) The corrective action requested;

(5) Whether the applicant desires to appear before the Board in person;

(6) Whether the applicant will be represented by counsel, and if so, the name and address of counsel.

(d) No request for review shall be valid, and the Board will not consider an application, unless filed within fifteen years after the date of retirement for disability, or after the effective date of the act of June 22, 1944, whichever is the later.

### § 50.4 Presentation of case.

(a) The applicant may present his case:

(1) Solely by written application, or by written application together with any additional written evidence or argument that he may desire to submit;

(2) At a hearing before the Board.

(b) The case of an applicant may be presented by his counsel. The term "counsel" includes members of the bar in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031, 38 U. S. C. 101), and any other person approved by the Board.

(c) If an applicant signifies a desire to present his case at a hearing, the Board will give him written notice of the place of his hearing, and of the time, which shall be at least thirty days after the time of mailing the notice.

(d) The Board may, upon its own motion or at the request of the applicant or his counsel, grant a continuance whenever it appears necessary, in the judgment of the Board, in order to insure a thorough, complete and equitable hearing.

(e) The case of any applicant who fails to appear, either in person or by counsel, after being duly notified of the time and place of the hearing will be decided upon the written application and such other evidence as is available to the Board.

(f) As far as practicable the hearings of the Board will be conducted in accordance with the pertinent instructions contained in Coast Guard Boards, 1935, as amended, except that:

(1) Physical examination of the applicant is not mandatory, but the Board may request that he submit to physical examination by physicians of the Board's choice in any case in which it appears to the satisfaction of the Board to be essential;

(2) The medical members of the Board will not submit a report and will not be subject to examination.

(g) Evidence may be submitted to the Board by oral testimony under oath, or in the form of depositions or affidavits. Witnesses appearing before the Board will be subject to examination or cross-examination, as the case may be, by members of the Board and the applicant or his counsel.

(h) The Board will consider all available service records and all matter adduced by the applicant that bears upon the merits of the case. It will not be restricted by the rules of evidence.

(i) Classified matter of the Coast Guard will not be made available to an applicant or his counsel. The Board will, when it deems it necessary in the interest of justice and compatible with the public interest, make available a summary of relevant classified matter.

(j) The Government will not assume or pay any expenses incurred by an applicant, or by his witnesses or counsel.

### § 50.5 Action by the Board.

(a) After a complete and thorough review of the evidence before it the Board will, in closed session, deliberate and make its decision affirming or reversing the findings and decision of the retiring board being reviewed.

(b) If the Board reverses the findings of the retiring board being reviewed, it will make complete findings, including:

(1) Whether the applicant was incapacitated for active service;

(2) If so, the disability causing the incapacity;

(3) Whether the incapacity is permanent;

(4) Whether the incapacity was the result of an incident of service or incurred in the line of duty;

(5) Whether the incapacity was the result of the applicant's own vicious habits;

(6) In the case of Reserve officers and officers who have served under temporary appointments, when the physical disability was incurred.

(c) The findings and decision of a majority of the Board will constitute the findings and decision of the Board. Members who do not concur with the majority may file a minority report.

(d) When the Board has concluded its proceedings in any case the Recorder will prepare a complete record thereof including (1) the application for review (2) a transcript of the hearing, if any (3) affidavits, briefs, and written agreements filed in the case, (4) the findings and decision of the Board, and (5) all other papers and documents necessary to reflect a true and complete record of the proceedings. This complete record will be transmitted to the Commandant for appropriate action.

[10 FR 5650, May 17, 1945, as amended by CGFR 53-12, 18 FR 2953, May 22, 1953]

### § 50.6 Notification of final action.

The officer requesting the interview will be notified by letter of the final action taken in the case.

[CGFR 48-73, 13 FR 9333, Dec. 31, 1948]

## PART 51—PANEL AND BOARD ON REVIEW OF DISCHARGES AND DISMISSALS OF FORMER MEMBERS OF THE COAST GUARD

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AUTHORITY: Sec. 8, 18 Stat. 127, as amended, sec. 301, 58 Stat. 286; 14 U.S.C. 92, 38 U.S.C. 693h, unless otherwise noted.

SOURCE: CGFR 47-49, 12 FR 7835, Nov. 20, 1947, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

## Subpart 51.01—General Provisions

### § 51.01-1 Basis and purpose.

Pursuant to the authority of section 301 of the Servicemen's Readjustment Act of 1944, as amended August 8, 1946 (58 Stat. 286, 60 Stat. 932; 38 U.S.C. 693h) regulations are hereby prescribed to provide a procedure for the review of discharges and dismissals of former members of the Coast Guard.

### § 51.01-3 Jurisdiction.

By virtue of the authority of said section 301, a Coast Guard panel, from which Boards of Review of Discharges and Dismissals may be designated, has been established to review, upon its own motion, or upon request by or on behalf of the individual former officer or enlisted man or woman, or if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, the type and nature of discharge or dismissal certificate or other documentary evidence of discharge or dismissal of former members of the Coast Guard, except a discharge or dismissal by reason of the sentence of a Navy general court-martial or Coast Guard general court. This jurisdiction is construed to include every separation from the Coast Guard, including the reserve components thereof who served on full time active duty on full time pay and allowances, irrespective of the manner evidenced or brought about, except separations by reason of the sentence of a Navy general court-martial or a Coast Guard general court.

### § 51.01-5 Scope of review.

(a) The scope of the review shall be to determine whether, under reasonable standards of Coast Guard and naval law and discipline, the type and nature of the discharge or dismissal should be changed, corrected or modified, and, if so, to decide what change, correction or modification should be made.

(b) The Boards have no authority to revoke any discharge or dismissal, to reinstate any person in the Coast Guard subsequent to his discharge or dismissal, or to recall any person to active duty.

### § 51.01-7 Request for review.

(a) The petitioner shall be required to submit a written request for a review to the President of the Panel (addressed to President, Boards of Review of Discharges and Dismissals, Coast Guard Headquarters, Washington, D.C. 20226), with the certificate of discharge or dismissal in question, if available, and such other statements or affidavits as he desires to present.

(b) The request shall state in brief:

(1) The type of discharge or dismissal received;

(2) The full name, former rank or rating and the service or file number of the person whose discharge or dismissal is in question;

(3) The place to which any notices in connection with the review may be sent;

(4) The basis of the claim for review;

(5) What action is desired of the Board; and

(6) Whether the petitioner waives the right to be present and consents to the review on the basis of his petition and accompanying papers or whether he will appear in person before the Board and/or be represented by counsel. (If counsel is desired, the petitioner should designate such counsel by name if known at the time petition is submitted.)

(c) When the request for review is submitted by a surviving spouse, next of kin, legal representative or guardian, satisfactory evidence of the required relationship must be submitted.

(d) No request for review of a discharge or dismissal shall be valid unless filed within fifteen years after such discharge or dismissal or within fifteen years from June 22, 1944, whichever be the later.

### § 51.01-9 Review on own motion.

(a) A Board shall not conduct a review on its own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin, legal representative or guardian, by registered mail, return receipt requested.

(b) Such notice shall state that a review of the type and nature of this discharge or dismissal is to be held by the Board, and shall advise the addressee of his right to appear before the Board, in person or by counsel, and to present evidence before the Board in the manner herein prescribed.

### § 51.01-11 Methods of presenting case.

(a) The petitioner may present his case:

(1) By letter with certificate of discharge or dismissal, if available, and affidavits.

(2) In person, with or without counsel.

(3) By counsel.

(b) Upon application in person at the office of the President of the Panel, the President may furnish to a petitioner or his counsel such information from the official records pertaining to a discharge or dismissal as may be necessary in order to permit of a fair and impartial review. However, classified matter will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the President of the Panel will obtain and make available to the petitioner or his counsel such summary of the classified matter as may be relevant to the case and as will not be incompatible with the public interests.

### § 51.01-13 Counsel.

The term "counsel", as used in this part, shall include members of the bar in good standing and accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936.

(Sec. 200, 49 Stat. 2031; 38 U.S.C. 101)

### § 51.01-15 Witnesses.

(a) All testimony shall be given under oath or affirmation administered by the presiding officer.

(b) Witnesses shall be subject to examination and/or cross-examination as appropriate, by the members of the Board, petitioner, his counsel or petitioner's representative, or by the government representative.

(c) The testimony of witnesses may be presented either in person or by affidavits.

(R.S. 183; 5 U.S.C. 303)

### § 51.01-17 Expenses.

No expenses of any nature whatsoever incurred by the petitioner, his counsel, his witnesses, or by any other person in his behalf, shall be paid by the Government.

### § 51.01-20 Notice of hearing.

The President of the Panel shall give a petitioner at least a 30-day written notice of the time and place of the review whenever the petitioner has not waived his right to appear in person before the Board and/or be represented by counsel. Such time shall be computed from the time of mailing of the notice. The petitioner may waive such time limit and an earlier hearing date may be set by the President of the Panel.

### § 51.01-22 Continuances.

A continuance may be granted by a Board on its own motion, or at the request of the petitioner or government representative, when such continuance appears necessary in order to insure a full and fair hearing.

### § 51.01-24 Withdrawal.

A Board may, at its discretion and for good cause shown, permit the petitioner to withdraw his request for review without prejudice at any time before the Board begins its deliberations.

### § 51.01-26 Failure of petitioner to appear.

A petitioner who requests to be present at a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present and cannot thereafter take exception to the findings or conclusions because they were arrived at in his absence.

### § 51.01-28 Evidence.

(a) The Boards, in their review, shall consider as evidence all available pertinent records of the Coast Guard, together with such evidence as may be submitted by the petitioner and/or his counsel, and the government representative.

(b) Whenever, during a review, it appears to a Board's satisfaction that the facts have not been fully and fairly disclosed in the records of the Coast Guard and in the testimony and other evidence before the Board, the Board may obtain such further evidence as it may consider essential to a fair and impartial understanding of the facts.

(c) Boards shall not be restricted by legal rules of evidence.

## Subpart 51.03—The Panel and Boards

### § 51.03-1 Duties of the President of the Panel.

(a) The President of the Panel shall, from time to time, constitute Boards charged with the review functions over discharges and dismissals of Coast Guard personnel, as required by section 301 of the Servicemen's Readjustment Act of 1944, as amended August 8, 1946.

(b) He shall designate recorders and reporters for each of the several Boards, and, when necessary, the petitioners' representatives.

(c) He shall make provision for close liaison with the Army and Navy to include periodic joint conferences to discuss common problems and to study results of action taken.

(d) He shall maintain close contact with the Veterans' Administration.

(e) He shall report to and be responsible to the Secretary of the Treasury.

(f) He shall prepare an annual report of the activities of the Panel and of the Boards for submission to the Secretary of the Treasury.

(g) The President shall examine requests for review and determine whether or not they come within the jurisdiction of the Board. He shall assemble the service records and obtain such additional data as may be required to furnish complete information to the Board

(h) He shall keep a docket of pending petitions, and record of completed reviews.

(i) He shall assign petitions to an appropriate Board for review.

(j) He shall conduct the correspondence connected with the administration of the Board and shall maintain custody of all records and documents transmitted or filed with the Board.

(k) He shall from time to time initiate such changes in the administrative regulations and procedures as may be deemed advisable. These changes shall be in the form of a recommendation, which recommendation will be transmitted via the Commandant, for such comment as he may desire to make, to the Secretary of the Treasury for approval.

### § 51.03-3 Acting President of the Panel.

In the absence or incapacity of the President, the next senior member of the Panel will serve as acting President for all purposes.

### § 51.03-6 Members of a Board of Review.

(a) A Board of Review shall consist of five members.

(b) The Senior member of a Board shall serve as chairman thereof and shall rule upon matters of evidence and procedure. He may be overruled by a majority vote.

(c) The Recorder is a member of the Board. He shall:

(1) Carefully summarize the testimony presented at hearings.

(2) Prepare the findings, conclusions, decision and order of the Board.

(3) Perform such other duties as may be assigned to him by the Presi-

dent of the Panel, or the chairman of the Board.

(d) The reporter is not a member of the Board. He shall record the testimony of witnesses and the proceedings of a Board. He shall prepare a written transcript of the proceedings in manner and form as directed by the chairman of the Board.

### § 51.03-8 Time and place of meeting.

The Boards shall be convened at the call of the President of the Panel and shall recess and adjourn at his order. The Boards shall sit at a time and place to be fixed by the President of the Panel.

### § 51.03-10 Duties of a Board of Review.

(a) The Board shall review, on its own motion or upon the request of a former officer or enlisted man or woman of the Coast Guard or Coast Guard Reserve, or if deceased, by the surviving spouse, next of kin, legal representative or guardian, the type and nature of the discharge or dismissal in question.

(b) In the event the petitioner does not appear in person or by counsel, the Board shall review the case on the basis of documentary or oral evidence presented by or on behalf of the petitioner and by the government representative.

(c) In the event the petitioner appears in person or by counsel, the Board shall assemble to hear evidence offered by or on behalf of the petitioner, and by the government representative.

(d) After the conclusion of such hearings, the Board shall, as soon as practicable, arrive at its findings, conclusions and decision. Based thereon, the Board shall prepare its order relative to the case.

## Subpart 51.06—Action by the Board

### § 51.06-1 Deliberations.

(a) After a full and fair review of the evidence, the Board shall deliberate in closed session, and shall be governed in its action by the vote of a majority of the Board.

(b) No persons other than members of the Board shall be present at or participate in its deliberations.

(c) Members not concurring may file a minority report.

(d) The findings, conclusions, decision and order shall be signed by the concurring majority members.

(e) In its deliberations a Board shall be guided by the following principles:

(1) Relevant and material facts concerning the petitioner found by a Navy general or summary court-martial, or deck court, or by a Coast Guard general, summary, or deck court, or by a board of inquiry or board of investigation where petitioner was in the status of a defendant or interested party, as approved by the reviewing authorities, shall be presumed by the Board as established facts in the absence of manifest error.

(2) Relevant and material facts stated in a specification to which the petitioner pleaded guilty before a Navy general or summary court-martial, or deck court, or by a Coast Guard general, summary, or deck court, or where upon being confronted by such a specification the petitioner elected to resign for the good of the service or to accept a discharge to escape trial by a Navy general court-martial, or a Coast Guard general court shall be presumed by the Board as established facts, in the absence of manifest error, or unless the petitioner shall show to the Board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him at the time which was not apparent to the reviewing authority from the face of the record.

(3) A document evidencing separation from the Coast Guard relates only to such Coast Guard service. Accordingly, the evidence to be considered will be restricted to that covering relevant and material facts concerning petitioner's Coast Guard service, or his character, conduct, physical condition, or other material matter at the time of his entry into the Coast Guard, during such Coast Guard service or at the time of separation therefrom (which appear in available records of the Coast Guard and in testimony and other evidence before the board).

(4) In order to warrant a change, correction or modification of the original document evidencing separation from the Coast Guard, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the original document was improperly or inequitably issued under standards of Coast Guard and naval law and discipline existing at the time of such original separation, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made retroactive specifically to separations of the type and character had by the petitioner. The standards of Coast Guard and naval law and discipline herein contemplated are those standards stated in statutes, regulations, directives of the Coast Guard, and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Judge Advocate General of the Navy, the General Counsel of the Treasury Department, or the Chief Counsel of the Coast Guard.

### § 51.06-5 Findings of facts.

The Board shall make findings of facts in each case which shall include the following:

(a) Type and nature of discharge or dismissal certificate or other documentary evidence of discharge or dismissal which was issued to the person concerned upon separation from the Coast Guard.

(b) Authority under which discharge or dismissal was issued.

(c) Circumstances surrounding the discharge or dismissal as found by the Board to be established from all the evidence considered. This includes material and relevant facts showing in what specific particulars the original discharge or dismissal certificate was or was not proper or equitable under standards of Coast Guard and naval law and discipline.

(d) Conduct and character of petitioner during the entire period of his service in the enlistment or other service period which was terminated by the discharge or dismissal under consideration.

(e) Such other facts as may be disclosed that are necessary and pertinent to the issue in any particular case.

### § 51.06-10 Conclusions.

The Board, on the basis of its findings, shall prepare conclusions which shall state:

(a) Whether or not any change, correction, or modification should be made in the type or character of the discharge or dismissal given.

(b) Where pertinent, the particular change, correction or modification that should be made, and

(c) The reasons why a change, correction or modification should or should not be made. This should not include comments on the actions of other Coast Guard personnel. Where such comment is warranted, it should be made the subject of an official communication entirely independent of petitioner's case.

### § 51.06-15 Decision.

The Board shall next record its decision. The nature of any change, correction or modification to a certificate of discharge or dismissal shall be specified with particularity. The type and character of document evidencing discharge, dismissal, or other separation which may be adjudged shall be that form of separation certificate in use at the time of petitioner's separation from the Coast Guard or Coast Guard Reserve which the petitioner would have received had he been given a proper form of separation certificate at the time.

### § 51.06-20 Order.

A written order addressed to the Commandant, based on the decision of the Board, shall be prepared for the Secretary's signature and transmitted with the record of proceedings, except in cases where the unanimous decision of the Board favors the applicant and such decision is approved by the President of the Panel. Such cases are to be handled as indicated in § 51.06-30.

### § 51.06-25 Record of proceedings.

(a) When the Board has concluded its proceedings, the recorder shall prepare a complete original record thereof. Such record shall include the request for review, a transcript of the hearing, if any; affidavits, papers and documents considered by the Board, all briefs and written arguments filed in the case; the findings, conclusions and decision; any minority report prepared by dissenting members of the Board, and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record will be authenticated by the recorder as being true and complete.

(b) A record of proceedings of the Board and action transmitting a record to the Secretary of the Treasury for review shall not contain recommendations of any character which relate to matters beyond the scope of the Board's authority. To the extent that such recommendations are warranted, they should be made a matter for separate communication to the Commandant, Coast Guard, but should not be associated with the records of the petitioner before the Board.

### § 51.06-30 Transmittal of records.

The original record of the proceedings in each case shall be transmitted forthwith by the President of the Panel to the Secretary of the Treasury, via the Chief Counsel and the Commandant, Coast Guard. The Chief Counsel of the Coast Guard will review the record for legality of the proceedings and decision of the Board. In those cases in which the unanimous decision of the Board of Review is in favor of the appellant, and the President of the Panel in transmitting the record of the case by indorsement is in agreement, the Commandant, if in agreement with the decision, shall take appropriate administrative action in accordance therewith. However, if in his opinion the decision of the Board is not considered to be consistent with applicable directives or policies, he shall forward the record to the Secretary of the Treasury with appropriate comment.

## Subpart 51.08—The Secretary of the Treasury

### § 51.08-1 Action by the Secretary of the Treasury.

(a) The Secretary of the Treasury will direct such action in each case as he determines to be appropriate, including the return of the record to the Board for further consideration when deemed necessary.

(b) The procedure of the Board of such further consideration will conform as nearly as practicable to that heretofore prescribed, except that the scope of the action of the Board will be limited to the matters specified by the Secretary of the Treasury in the directive ordering such reconsideration.

(c) The Secretary of the Treasury, after this final action, will return all records to the President of the Panel, who will notify the petitioner of the action taken in his case, then forward all records to the Commandant, U. S. Coast Guard for the following administrative acts:

(1) Take such administrative action as may be necessary with respect to the discharge or dismissal in question.

(2) Place copies of the Secretary's order and of the record of proceedings in the service record. A reference shall be made in the copy of the Board's report of all enclosures or exhibits which are to be filed elsewhere.

(3) Place all records in their proper files for safe custody.

(4) Disclosure of such information contained in the record shall be within the limitations and conditions set forth under Veterans Regulation 11. (38 CFR, 1938 ed., 35.11)

## Subpart 51.10—Representatives

### § 51.10-1 Appointment of Government representatives.

The President of the Panel shall advise the Commandant, Coast Guard, prior to the review of each case in order that the Commandant may, if it appears necessary to the proper presentation of the case, appoint a Government representative.

### § 51.10-4 Duties of Government representative.

When a Government representative appears and acts as such at a review:

(a) He may submit to the Recorder of the Board a written brief, when considered warranted, analyzing the evidence presented.

(b) The Government representative may submit pertinent evidence from the records of the Coast Guard in proper documentary form on the Government's behalf.

(c) In all cases, when he has knowledge of evidence which would substantiate the petitioner's claim he shall disclose such evidence to the Board.

### § 51.10-8 Appointment of petitioner's representative.

In those instances where the petitioner presents his case by letter and affidavits, a member of the Panel, who is not a member of the Board reviewing the case, shall be appointed by the President of the Panel to act as the petitioner's representative. If the petitioner appears in person at his hearing without counsel, the President of the Panel shall, if the petitioner so desires, appoint in similar manner a petitioner's representative who shall assist the petitioner in presenting his case.

### § 51.10-10 Duties of petitioner's representative.

The petitioner's representative shall;

(a) Submit pertinent evidence in the petitioner's behalf in proper documentary form, or through witnesses.

(b) Submit to the Recorder of the Board a written brief, when considered warranted, analyzing the evidence presented.

## PART 52—BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

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AUTHORITY: 10 U.S.C. 1552; 49 U.S.C. 1655(b).

SOURCE: 41 FR 17895, Apr. 29, 1976, unless otherwise noted.

## Subpart 52.01—Purpose and Authority

### § 52.01-1 Purpose.

This part establishes the procedures for making application for the correction of military records of the Coast Guard, the consideration of applications by the Department of Transportation Board for Correction of Military Records of the Coast Guard, and for settling claims or determining monetary benefits.

### § 52.01-5 Authority.

(a) Section 131 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190g) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of military or naval records, shall be received or considered in either the Senate or the House of Representatives. Section 207 of the same Act, as amended, and as reenacted and codified in 10 U.S.C. 1552, provides that the Secretary of the Treasury, under procedures established by him, and acting through a board of civilians, may correct any military record of the Coast Guard when he considers it necessary to correct an error or remove an injustice. The functions, powers, and duties of the Secretary of the Treasury relating to the Coast Guard were transferred to and vested in the Secretary of Transportation (hereinafter, "the Secretary") by section 6(b) of the Department of Transportation Act (49 U.S.C. 1655(b)).

(b) Because this statutory authority is a substitute for the correction of military or naval records by legislative action, it is construed as conferring jurisdiction on the Secretary substantially equivalent to that previously exercised by the Congress.

(c) Corrections made under this authority are final and conclusive on all officers of the Government except when procured by fraud.

## Subpart 52.05—Establishment, Function, and Jurisdiction of the Board

### § 52.05-1 Establishment and composition.

(a) Pursuant to 10 U.S.C. 1552 and 49 U.S.C. 1655(b), the Board for Correction of Military Records of the Coast Guard (hereinafter "the Board") is established in the Office of the Secretary of Transportation.

(b) The Secretary appoints a panel of civilian officers or employees of the Department of Transportation to serve as members of the Board, and designates one such member to serve as Chairman of the Board. The Chairman designates members from this panel to serve as the Board for each case requiring consideration by a Board. A Board consists of three members, and two members present constitute a quorum of the Board.

(c) The Executive Secretary of the Board carries out the functions prescribed for him by these regulations and such other duties as may be assigned to him by the Chairman.

### § 52.05-5 Function.

The function of the Board is to consider all applications properly before it together with all pertinent military records to determine whether an error has been made in the Coast Guard records, or whether, under normal standards of military law, administration, and practice, the subject of the application has suffered a wrong as the result of an error of omission or commission in his records, or through some manifest injustice in the treatment accorded him.

### § 52.05-10 Jurisdiction.

(a) The Board has jurisdiction to review and determine all matters properly brought before it, consistent with existing law and such directives as may be issued by the Secretary.

(b) No application will be considered until the applicant has exhausted all effective administrative remedies afforded under existing law or regulations, and such legal remedies as the Board may determine are practical and appropriately available to the applicant.

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CROSS REFERENCES: United States Customs Service, Department of the Treasury: 19 CFR Chapter I.

Coast Guard regulations relating to shipping: 46 CFR Chapter I.

## Subpart 52.10—Application for Correction

### § 52.10-1 General requirements.

(a) An application for correction of a Coast Guard record must be submitted on DD Form 149 (Application for Correction of Military or Naval Record) or an exact facsimile thereof, and should be addressed to: Executive Secretary, Board for Correction of Military Records of the Coast Guard, United States Department of Transportation, Washington, D.C. 20593. Forms and explanatory matter may be obtained from the Executive Secretary of the Board.

(b) The application shall be signed by the person requesting corrective action with respect to his record, except that the application may be made by a spouse, parent, heir, or legal representative for the purpose of bringing the matter before the Board when the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or who is deceased. Where the application is not signed by the person requesting corrective action with respect to his record, it shall be accompanied by satisfactory evidence of (1) the death, incapacity, or unavailability of such person and (2) the relationship required of the person making application.

### § 52.10-5 Time limit for filing application.

An application for correction of a record must be filed within three years after discovery of the alleged error or injustice. An application filed after that time may not be accepted by the Board unless it finds that it would be in the interest of justice to do so. Reasons why its acceptance would be in the interest of justice should be set forth in the application.

## Subpart 52.15—Consideration of Application, Denial of Relief, and Stay of Proceedings

### § 52.15-1 Consideration of application.

Each application and the available military records pertinent to the corrective action requested are reviewed by the Chairman to determine whether to deny relief pursuant to § 52.15-5, or to grant a hearing, or to recommend disposition on the merits without a hearing.

### § 52.15-5 Denial of relief.

(a) The Chairman, without requirement of Secretarial approval, may deny relief to an applicant—

(1) Where the information or relevant evidence presented is insufficient to demonstrate probable material error or injustice;

(2) Where effective relief cannot be granted by the Board;

(3) Where the Board does not have jurisdiction to determine the matters presented; or

(4) Where the application has not been timely filed under § 52.10-5 and the interest of justice does not require its acceptance.

Denial of relief under this section is without prejudice to further consideration in the event that new relevant evidence is submitted by the applicant or ottherwise comes to the attention of the Board. Subsequent denials of relief on any application for any of the four reasons specified above are decided by the Board, without requirement of Secretarial approval.

(b) Where relief is denied under this section, written findings, conclusions, and recommendations are not required. The applicant is advised of the reasons for such denial and of any right he may have to further proceedings.

### § 52.15-10 Stay of proceedings.

The application to the Board for correction of a record does not operate as a stay of any proceedings or administrative action being taken with respect to or affecting the person involved.

## Subpart 52.20—Hearings

### § 52.20-1 Entitlement to hearing.

The applicant may request that he be permitted to appear before the Board in person or by counsel or in person with counsel. The Chairman grants a hearing whenever the application and the military record in question, together with any briefs, memoranda, or other documents theretofore received, show that a hearing would be likely to produce additional information material to the case.

### § 52.20-5 Denial of hearing.

If the Chairman determines that a hearing is not warranted, the applicant or his counsel is notified in writing that a hearing has been denied and is advised of the reasons therefor. The applicant may request the Board to reconsider the denial by submitting, within 45 days after receiving notice of the denial, further documentary evidence to justify a hearing in the case. If the Board denies the request for reconsideration, the applicant or his counsel is notified in writing of the denial and the reasons therefor. The Board also sets forth the reasons for denial in its decision on the merits of the application.

### § 52.20-10 Notice of hearing.

(a) If the Chairman, or the Board upon reconsideration, determines that a hearing is warranted, the applicant or his counsel is notified in writing that a hearing has been granted, and that a time and place for the hearing will be set—

(1) Upon receipt by the Board of all briefs, memoranda, or other documents the applicant or his counsel desires to submit in support of the application; or

(2) Upon being advised by the applicant or his counsel that no additional documentary materials will be submitted.

(b) Written notice stating the time and place of the hearing is given to the applicant or his counsel and the Coast Guard upon the fulfillment of either of the conditions referred to in paragraph (a) of this section. The date of hearing may not be less than 30 days from the date of transmission of the written notice thereof, except that an earlier date may be set when the applicant waives his right to such 30 days' notice in writing and has actual notice of the time and place of the hearing.

### § 52.20-15 Postponement of hearing.

New issues may not be raised by legal briefs, memoranda, or other documentary evidence filed or submitted after the hearing date is set or at the hearing, except for good cause shown. If new issues are raised after the hearing date is set, upon good cause shown, the Board may postpone the hearing for such time as is necessary to allow sufficient time for review of additional materials. If a hearing is postponed, the Board notifies the applicant or his counsel and the Coast Guard in writing of the postponement and of a place and time for a new hearing.

### § 52.20-20 Nonappearance.

An applicant who notifies the Board in writing that he does not desire to be present or to be represented by counsel at a hearing, or who fails without good cause to appear in person or by counsel at the appointed time and place for hearing, is deemed to have waived his right to a hearing. His case is then considered by the Board on the basis of all the material of record.

## Subpart 52.25—Counsel, Witnesses, and Expenses

### § 52.25-1 Counsel.

As used in this part, the term "counsel" includes members in good standing of any bar; accredited representatives of veterans' organizations recognized by the Administrator of Veterans Affairs under Title 38, U.S. Code, sec. 3402; and other persons who, in the opinion of the Board, are competent to represent the applicant for correction.

### § 52.25-5 Witnesses.

(a) In any case in which a hearing is authorized the applicant is permitted to present witnesses in his behalf.

(b) It is the responsibility of the applicant to notify his witnesses and to ensure their appearance at the time and place set for the hearing.

### § 52.25-10 Expenses.

No expenses of any nature whatsoever incurred by the applicant, his counsel, his witnesses, or any other person in his behalf may be paid by the Government.

## Subpart 52.30—Procedure of Hearings

**§ 52.30-1 Convening the Board.**

The Board is convened at the call of the Chairman and recesses or adjourns at his order.

**§ 52.30-5 Conduct of hearing.**

(a) The Chairman conducts the hearing so as to insure a full and fair presentation of the evidence.

(b) The hearing is not limited by legal rules of evidence but reasonable bounds of competency, relevancy, and materiality are observed for the receipt and consideration of evidence.

(c) All testimony before the Board is given under oath or affirmation and witnesses are subject to examination by the Board.

**§ 52.30-10 Procurement of evidence.**

It is the responsibility of the applicant to procure such evidence, including official records, as he desires to present in support of his case.

**§ 52.30-15 Access to official records.**

The applicant shall have access to his official records or to any information pertaining to him which is in the custody of the Coast Guard as provided in 49 CFR Part 10. The applicant shall have access to other Coast Guard records as provided in 49 CFR Part 7.

**§ 52.30-20 Continuance.**

The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

**§ 52.30-25 Withdrawal.**

The Board shall permit the applicant to withdraw his application at any time before a final determination by the Secretary. Any further consideration by the Board of the issues raised in the withdrawn application shall be given only upon a showing of good cause.

**§ 52.30-30 Reporting.**

The proceedings of the Board in open session are reported verbatim, and are transcribed at the discretion of the Board. The Board's deliberations are conducted in executive session and are not reported.

## Subpart 52.35—Judgment and Disposition

**§ 52.35-1 Deliberations and decision.**

(a) Only members of the Board and its staff may be present during the deliberations of the Board.

(b) When it appears to the Board that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may request the applicant to obtain and submit, or may itself obtain, such further evidence as it considers essential to a complete and impartial understanding of the facts and issues involved. The applicant is given an opportunity to comment on any further evidence submitted to, or obtained by, the Board.

(c) In any case in which a hearing has not been held, the Board may accept any documentary evidence relevant to the matter under consideration submitted prior to final determination of the case by the Secretary. However, in any case in which a hearing has been held, the Board may not accept documentary evidence after the hearing which, by due diligence, could have been submitted prior to the hearing.

(d) Following the receipt of all evidence, the Board prepares a written decision containing its findings, conclusions, and recommendations with respect to the relief sought by the applicant or found by the Board to be appropriate. A majority vote of the members present on any matter before the Board constitutes the action of the Board and is so recorded.

(e) The decision of the Board specifies with particularity any change, correction, or modification of records that is to be made, and any other action deemed necessary to carry out the recommendations of the Board.

(f) Where the Board deems it necessary to submit a comment or recommendation to the Secretary as to a matter arising from, but not directly related to, the issues in a case, it does so by separate communication.

### § 52.35-5 Minority report.

In case of disagreement among members of the Board, a minority report on the Board's findings, conclusions, or recommendations may be submitted.

### § 52.35-10 Record of proceedings.

When the Board has completed its deliberations a complete record of the proceedings is prepared. The record includes the application for relief; a transcript of any testimony prepared for the Board; affidavits; papers, and documents considered by the Board; briefs and written arguments filed in the case; the findings, decisions, and recommendations of the Board; any minority report; and all other papers and documents necessary to reflect a true and complete history of the proceedings.

### § 52.35-15 Action of the Secretary.

The record of proceedings is transmitted to the Secretary for approval, disapproval, or return for additional consideration. Upon final action by the Secretary the record of proceedings is returned to the Board for disposition.

### § 52.35-20 Orders.

(a) The Board issues such orders or directives as may be necessary to carry out the decision of the Secretary.

(b) The addressees of such orders or directives shall submit a written report to the Board specifying the action taken and the date thereof.

(c) Unless doing so would nullify the relief granted, copies of the Secretary's decision and the Board's order shall be placed in the service record of the individual involved.

### § 52.35-25 Notification.

(a) Upon final determination of a case, the Board notifies the applicant or his counsel of the Secretary's decision.

(b) Subject to Departmental regulations implementing the Privacy Act of 1974 and the Freedom of Information Act, the Board transmits to the applicant or his counsel a copy of the Board's findings, decision and recommendation, and the applicant and his counsel may inspect the record of proceedings.

### § 52.35-30 Reconsideration.

(a) The recommendation of the Board, as approved, constitutes a final determination of the issues presented and considered.

(b) The Board grants an application for reconsideration of a final determination only if newly discovered evidence or information, not previously considered by the Board, is presented by the applicant or otherwise comes to the attention of the Board, and if the newly discovered evidence or information would, if true, result in a determination other than that originally made. The Board may refuse to consider evidence or information claimed to be newly discovered if it finds that such materials could have been presented to the Board prior to its original determination if the applicant or his counsel had exercised reasonable diligence.

(c) A denial of reconsideration must be approved by the Secretary.

## Subpart 52.40—Payment of Claims

### § 52.40-1 Authority to pay.

(a) The Coast Guard is authorized to pay the claims of any person, his heir at law, or legal representative, for amounts paid as a fine, forfeiture, loss of pay (including retired or retirement pay), allowances, compensation, emolument, or other monetary benefit, as the case may be, and as the result of action heretofore or hereafter taken under 10 U.S.C. 1552.

(b) The Coast Guard is not authorized to pay any claim heretofore compensated by Congress through enactment of private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans Affairs.

### § 52.40-5 Procedures.

(a) In each case the Board transmits a certified copy of the Secretary's decision to proper Coast Guard authority for determination of monetary benefits due as a result of the action of the Board.

(b) Upon request, the claimant is required to furnish any information necessary to determine the proper parties to the claim for purposes of payment under applicable provisions of law.

(c) Appropriate records are examined in the light of the Secretary's decision of the purpose of determining all amounts which may be due. Amounts found due are subject, to the extent authorized by law or regulations, to set off in the amount of existing indebtedness to the Government arising from Coast Guard service.

(d) At the time of payment, the claimant is advised as to the nature and amount of the various benefits represented by the total settlement, and of the fact that acceptance of the settlement constitutes a complete release by the claimant of any claim against the United States on account of the correction of record ordered by the Board.

### § 52.40-10 Interpretation.

If the intent or import of the Secretary's decision is not clear with respect to payment, the decision shall be returned to the Board for clarification.

### § 52.40-15 Report of settlement.

When payment is made pursuant to the order of the Board, the Executive Secretary of the Board shall be notified in writing of the name of the person to whom payment was made and of the itemized amount of the payment.

## Subpart 52.45—Miscellaneous Provisions

### § 52.45-1 Staff assistance.

The Board may request such advice, opinion, assistance, or use of the facilities of any other bureau, board, or office of the Department of Transportation as may be deemed necessary.

### § 52.45-5 Request for information from the Coast Guard.

(a) The Board shall transmit to the Commandant a copy of each application for relief submitted under Subpart 52.10 that has not been denied pursuant to § 52.15-5, together with any briefs, memoranda, and documentary evidence submitted or obtained in the case.

(b) The Board may request the Coast Guard to submit any additional pertinent facts not disclosed in an application and its supporting documents.

(c) The Commandant may forward to the Board the written views of the Coast Guard on any case before the Board.

(d) A copy of each submission made by the Coast Guard under this section is given to the applicant or his legal representative who may rebut, if he wishes, the views of the Coast Guard contained therein.

(e) Information and views furnished by the Coast Guard under this section are not binding on the Board, but shall be considered by the Board along with all other information and material submitted in the particular case.

## PART 53—INTERPRETATIONS, POLICIES AND PROCEDURES GOVERNING THE TRANSFER OF CERTAIN COAST GUARD PERSONNEL TO THE UNITED STATES COAST GUARD RESERVE

Sec.

53.01 Purpose.
53.03 Scope.
53.05 Statutory provisions concerned.
53.07 Interpretations and policies.
53.09 Discharge.
53.11 Procedure.

AUTHORITY: Sec. 4, 62 Stat. 605, as amended; 50 U.S.C. App. 454.

SOURCE: CGFR 53-1, 18 FR 3940, July 7, 1953, unless otherwise noted.

### § 53.01 Purpose.

This part prescribes interpretations, policies, and procedures governing transfer of certain Coast Guard personnel to the United States Coast Guard Reserve and retention of certain Coast Guard Reserve personnel pursuant to the provisions of sections 4(d)(1) and 4(d)(3) of the Universal Military Training and Service Act, as amended.

### § 53.03 Scope.

This part is intended to cover all cases and classes of cases in which a person or persons has or have incurred reserve obligations under the Universal Military Training and Service Act, as amended, and the Commandant of the Coast Guard considers the needs of the Service to require that action be taken to assure fulfillment thereof.

### § 53.05 Statutory provisions concerned.

(a) Section 4(d)(1) of the Universal Military Training and Service Act, as amended, provides:

> Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is inducted, enlisted, or appointed (except a person enlisted under subsection (g) of this section) and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which extension is hereby authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

(b) Section 4(d)(3) of the Universal Military Training and Service Act, as amended provides:

> Each person who, subsequent to the date of enactment of this paragraph, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps prior to attaining the twenty-sixth anniversary of his birth shall be required to serve on active training and service in the Armed Forces or in training in the National Security Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard). Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of such reserve component during such period. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force (or the Secretary of the Treasury with respect to the United States Coast Guard), determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can, without undue personal hardship, be filled by any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program, and to serve satisfactorily therein. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of the Treasury with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the Armed Forces prior to serving the periods required by subsection (b) of this section of individuals who volunteer for and are accepted into organized units of the Army National Guard and Air National Guard and other reserve components. Nothing in this subsection shall be construed to prevent any person, while in a reserve component of the Armed Forces, from being ordered or called to active duty in such Armed Force.

### § 53.07 Interpretations and policies.

(a) Under section 4(d)(1) of the Universal Military Training and Service Act, as amended, the following interpretations shall be applicable in administering this part:

(1) Persons enlisting or reenlisting or accepting an appointment in the United States Coast Guard at any time between the dates of September 27, 1950 (the date the Selective Service Act of 1948 was made applicable to the United States Coast Guard) and June 19, 1951, both dates inclusive, and whose service subsequent to such enlistment or reenlistment, or acceptance of appointment has been of a total duration of less than 3 years, shall be transferred to the Coast Guard Reserve and be required to serve therein for a period of 5 years from the date of such transfer, unless sooner discharged for the purpose of complete separation from any military status: *Provided*, That this paragraph shall not apply to those persons who were exempt from induction at the time of enlistment during the period specified in this subparagraph.

(2) Transfer to the Coast Guard Reserve shall not be made in the case of any person falling within the class defined in paragraph (a)(1) of this section, who, subsequent to his enlistment or reenlistment between the dates indicated, has been discharged or permitted to resign for the purpose of effecting his complete separation from any military status, unless such discharge or acceptance of a resignation was or is for the purpose of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status or for the purpose of entry into an officers' training program in which participants have a military status.

(3) In computing the duration of service subsequent to enlistment or reenlistment between the dates indicated, any service performed in an officers' training program in which the individual concerned had or has a military status, including service as a cadet at the United States Coast Guard Academy, shall be considered as service under such enlistment or reenlistment. (This interpretation shall be disregarded in making computations of "service" for any other purpose or purposes.)

(4) The Commandant shall provide for the relief from liability for further obligated service of personnel who fulfill the requirements of the proviso contained in section 4(d)(1) of the Universal Military Training and Service Act, as amended, or who, either voluntarily or involuntarily, return to active military service for such period or periods as he may prescribe.

(b) Under section 4(d)(3) of the Universal Military Training and Service Act, as amended, the following interpretations shall be applicable in administering this part:

(1) Except as hereinafter indicated, persons originally enlisting or accepting an appointment in the Coast Guard or Coast Guard Reserve at any time subsequent to June 19, 1951, and prior to attaining the twenty-sixth anniversary of their birth, are obligated to serve in the Armed Forces for a total period of eight years following such enlistment or acceptance of appointment, unless sooner discharged for the purpose of complete separation from any military status.

(2) Persons reenlisting subsequent to June 19, 1951, after having performed any active or inactive service in any Armed Force, including the reserve components thereof, under an enlistment or appointment effected on or prior to June 19, 1951, shall not incur an obligation to serve for 8 years.

(3) A person falling within the class defined in paragraph (b)(1) of this section shall, on release from active training and service or upon termination of an enlistment in the Reserve, be transferred to or retained in the Coast Guard Reserve and required to serve therein for such period as may be required to complete the remaining portion of the eight-year obligation.

(4) The eight-year obligation is considered terminated upon a discharge for the purpose of complete separation from any military status, or upon revocation or termination of commission or appointment, acceptance of resignation, dropping from the rolls, or dismissal, unless such discharge or other type of separation was or is for the purpose of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status, or for the purpose of entry into an Officers' Training Pro-

gram in which participants have a military status.

(5) In computing service performed toward the fulfillment of the eight-year obligation, any service performed in an Officers' Training Program, in which the individual concerned had or has a military status, including service as a cadet at the United States Coast Guard Academy, shall be counted in the same manner as service in a regular or reserve component of the Armed Forces. (This interpretation shall be disregarded in making computations of "service" for any other purpose or purposes.)

(6) Upon determination by the Commandant of the United States Coast Guard that enlistment, enrollment, appointment in, or assignment to, an organized unit of the United States Coast Guard Reserve is available to, and can, without undue personal hardship, be filled by a person obligated to serve for eight years under section 4(d)(3) of the Universal Military Training and Service Act, as amended, it shall be the duty of such reservist to enlist, enroll, or accept appointment in, or accept assignment to such organized unit and to serve satisfactorily therein.

### § 53.09 Discharge.

In case the Commandant of the United States Coast Guard determines that transfer to or retention in the Coast Guard Reserve would not be in the best interests of the service, personnel with remaining obligated period of service under the Universal Military Training and Service Act, as amended, may be discharged to effect complete separation from any military status.

### § 53.11 Procedure.

The Commandant shall initiate proper administrative action to effect the transfer to or retention in the Coast Guard Reserve, in an appropriate rate, of personnel who have incurred obligated periods of service under the Universal Military Training and Service Act, as amended.

# SUBCHAPTER C—AIDS TO NAVIGATION

CROSS REFERENCE: Corps of Engineers, Department of the Army, see Chapter II of this title.

## PART 60—GENERAL

### Subpart 60.01—General Provisions

Sec.
60.01-1 Purpose.
60.01-5 Definition of terms.

### Subpart 60.01—General Provisions

**§ 60.01-1 Purpose.**

(a) The aids to navigation system of the United States is for the purpose of aiding navigation. That part of the system administered by the Coast Guard is to serve the needs of the Armed Forces and the commerce of the United States. This subchapter contains the rules, regulations and procedures related thereto.

(Secs. 81, 86, 92, 633, 63 Stat. 500, 501, 503, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 81, 86, 92, 633, 43 U.S.C. 1333)

[CGFR 58-50, 24 FR 5605, July 11, 1959]

**§ 60.01-5 Definition of terms.**

Certain terms as used in this subchapter are defined as follows:

(a) *Aid to navigation.* The term aid to navigation or aid, as used in this subchapter, means any device external to a vessel or aircraft intended to assist a navigator to determine his position or safe course, or to warn him of dangers or obstructions to navigation.

(b) *Armed Forces.* The term Armed Forces as used in this subchapter means the Army, Navy, Air Force, and Marine Corps of the United States.

(c) *Commerce.* The term commerce as used in this subchapter, in addition to the general national and international trade and commerce of the United States, includes trade and travel by seasonal passenger craft (marine and air), yachts, houseboats, fishing boats, motor boats, and other craft whether or not operated for hire or profit.

(d) *Commandant.* The term Commandant means the Commandant of the Coast Guard.

(e) *Corps of Engineers.* The term Corps of Engineers means the Corps of Engineers, Department of the Army.

(f) *District Commander.* The term District Commander means the Commander of a Coast Guard District.

(g) *District Engineer.* The term District Engineer means the District Engineer, Corps of Engineers, Department of the Army.

(h) *Light station.* The term light station means a lighted aid to navigation on a fixed structure to which personnel are assigned for the purpose of watching the light.

(i) *Navigable water.* The term navigable water, singular or plural, means water navigable in fact which by itself, or by uniting with other waters, navigable in fact, forms a continuous highway over which interstate or international commerce may be conducted in the customary mode of trade and travel on water.

(j) *Person.* The term person imports both singular or plural, as the case demands, and includes any Federal Agency, State, Territory, possession, or public subdivision thereof, the District of Columbia and any corporation, company, association, club, or other instrumentality.

(Sec. 81, 86, 92, 633, 63 Stat. 500, 501, 503, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 81, 86, 92, 633, 43 U.S.C. 1333)

[CGFR 52-15, 18 FR 4, Jan. 1, 1953, as amended by CGFR 58-50, 24 FR 5605, July 11, 1959]

## PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

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AUTHORITY: Secs. 81, 87, 92, 93, 633, 63 Stat. 500, 501, 503, 504, 545; 14 U.S.C. 81, 87, 92, 93, 633, unless otherwise noted.

SOURCE: CGFR 52-15, 18 FR 4, Jan. 1, 1953, unless otherwise noted.

## Subpart 62.01—Establishment of Aids to Navigation

**§ 62.01-1 Maritime aids.**

(a) The establishment, maintenance and operation of maritime aids to navigation, other than loran stations, to serve the needs of commerce of the United States may be authorized by the Commandant to mark the navigable waters of the United States, its territories and possessions, the Trust Territory of the Pacific Islands and those waters on which aids to navigation have been established by the Coast Guard prior to June 26, 1948.

(b) The establishment, maintenance and operation of loran stations to serve the needs of maritime commerce of the United States may be authorized by the Commandant. The establishment, maintenance and operation of loran stations to serve the needs of maritime and air commerce of the United States may be authorized by the Commandant providing the need for loran stations required to serve air commerce of the United States is determined by the Administrator of the Federal Aviation Agency.

(c) Any aid to navigation to be established, maintained and operated by the Coast Guard to serve the needs of commerce must be necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and must be justified in terms of public benefit to be derived therefrom.

[CGFR 58-50, 24 FR 5605, July 11, 1959]

**§ 62.01-5 Aids for Armed Forces.**

(a) Upon request of the military authority having jurisdiction of the area, the Coast Guard may establish, maintain, and operate maritime aids to navigation, other than loran stations, in order to meet the needs of the Armed Forces.

(b) Upon request of the Secretary of the appropriate department within the Department of Defense, the Commandant may establish, maintain and operate loran and other aids to air navigation in order to meet the needs of the Armed Forces.

(c) Establishment, maintenance and operation of aids to navigation, other than loran stations, as covered in paragraphs (a) and (b) of this section shall be limited to the United States, its territories and possessions, the Trust Territory of the Pacific Islands, or beyond the territorial jurisdiction of the United States at places where naval or military bases are located, and at other places where aids to navigation have been established by the Coast Guard prior to June 26, 1948.

[CGFR 58-50, 24 FR 5605, July 11, 1959]

### § 62.01-10 Federal Agencies other than the Armed Forces.

The Coast Guard may establish, maintain, and operate aids to navigation to serve the needs of Federal Agencies, other than the Armed Forces, as follows:

(a) Any aid to navigation which is necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and which can be justified in terms of the general public benefit derived therefrom may be established and maintained from Coast Guard appropriations.

(b) The Coast Guard may establish and maintain aids to navigation for the primary benefit of a Federal agency other than the Armed Forces on a reimbursable basis. The charges for establishing and maintaining such aids shall be in accordance with Subpart 74.15 of this Part 74 of this subchapter.

(c) Any Federal Agency other than the Armed Forces desiring to establish and maintain its own aids to navigation shall follow the procedure described in Part 66 of this subchapter.

[CGFR 52-15, 18 FR 4, Jan. 1, 1953, as amended by CGFR 71-8, 36 FR 9021, May 18, 1971]

### § 62.01-15 Anchorage areas.

Anchorage areas in the waters of the United States which have been defined and established by the Secretary of the Army are marked by the U.S. Coast Guard.

(42 Stat. 844; 33 U.S.C. 472)

### § 62.01-20 Quarantine areas.

Upon request of the District Director, U.S. Public Health Service, the Coast Guard will mark quarantine anchorage areas designated by the Surgeon General, U.S. Public Health Service.

(42 Stat. 844; 33 U.S.C. 472)

### § 62.01-25 Danger, restricted, and prohibited areas.

The Coast Guard may mark, at the request of the cognizant District Engineer, danger, restricted, and prohibited areas that have been so designated by the Secretary of the Army.

[CGD 73-101R, 38 FR 33472, Dec. 5, 1973]

### § 62.01-30 Marking pierheads on the northern and northwestern lakes.

The Coast Guard will mark all pierheads belonging to the United States situated on the northern and northwestern lakes whenever the District Commander is notified by the District Engineer that the construction of any such pierhead has been completed.

(R.S. 4677, as amended; 33 U.S.C. 735)

### § 62.01-35 Markings for marine parades and regattas.

(a) For the purpose of protecting life and property the Commandant may authorize the establishment of aids to navigation to mark marine parades and regattas which are regulated by the Coast Guard. For marine parade and regatta regulations, see Part 100 of this chapter.

(b) Any aids to navigation authorized in accordance with paragraph (a) of this section will consist of standard type Coast Guard aids to navigation, except, however, the Coast Guard will place special type markings in lieu of Coast Guard aids to navigation: *Provided,* The sponsors of the regatta or marine parade furnish and deliver the markers they desire together with any special appurtenances to a mutually agreed upon location at no expense to the Federal Government. The Coast Guard, in placing and maintaining such special type markings will assume no responsibility for them, nor will it expend funds or perform other than minor repair services to maintain their condition.

(c) The maintenance of any aids to navigation established in accordance with the foregoing paragraphs will be limited to the period of the marine parade or regatta.

(d) The locating of such markings will be made by the methods commonly employed by the Coast Guard. Any special surveys required must be arranged for by the sponsors of the marine parade or regatta at no expense to the Coast Guard.

(e) All aids to navigation established to mark race courses, regattas, marine parades, or other water events, other than those established by the Coast Guard as provided for in paragraphs (a) and (b) of this section shall be considered private aids to navigation, and shall be regulated as prescribed in Part 66 of this subchapter.

(Secs. 1-4, 35 Stat. 69, as amended; 46 U.S.C. 454-457)

## Subpart 62.05—Discontinuance of Aids to Navigation

### § 62.05-1 Aids to navigation.

The Commandant may change or discontinue any Coast Guard aid to navigation when in his opinion the conditions for which the aid was established have changed, or the aid has become useless or unnecessary.

## Subpart 62.10—Recommendations and Requests

### § 62.10-1 Maritime aids.

(a) Requests and recommendations pertaining to maritime aids to navigation and reports of aids no longer needed should be mailed to the District Commander concerned or to the Commandant (G-WAN), U.S. Coast Guard, Washington, D.C. 20593.

(b) Requests or recommendations for improvements should be supported with information on the following in order to justify the action proposed:

(1) Quantity, type, capacity and value of vessels involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night.

(2) Where practicable, the type of navigating devices, such as compasses, radio direction finder, radar, loran, and searchlights, with which such vessels are equipped.

(3) The number of passengers; and type, quantity, and value of cargo involved.

(4) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement.

[CGFR 58-50, 24 FR 5606, July 11, 1959, as amended by CGD 73-101R, 38 FR 33472, Dec. 5, 1973]

## Subpart 62.15—Reporting Defects

### § 62.15-1 Procedure.

Mariners are requested to notify immediately the nearest District Commander of any defects observed in an aid to navigation. Experienced mariners realize that the Coast Guard cannot keep the thousands of aids to navigation comprising the Federal system under simultaneous and continuous observation and that, for this reason, it is impossible to maintain every buoy, day-beacon, light, fog signal and other aid operating properly and on its charted position at all times. Therefore, the safety of the mariner and that of all persons embarked or serving in vessels will be enhanced if every person who discovers an aid to be missing, sunk, capsized, or damaged, or who observes a defect in the position or characteristic of any aid, will promptly notify the Coast Guard of the fact. Radio messages should be prefixed "Coast Guard" and transmitted directly to one of the United States Government shore radio stations listed under "Communication" in Section 400B of Radio Navigational Aids HO-117 for relay to the District Commander. If the radio call sign of the nearest United States Government radio shore station is not known, radio-telegraph communication may be established by the use of the general call "NCG" on the frequency of 500 kilocycles. Merchant ships may send messages relating to defects noted in aids to navigation through commercial facilities only when they are unable to contact a United States shore radio station. Charges for these messages will be accepted "collect" by the Coast Guard.

[CGFR 58-50, 24 FR 5606, July 11, 1959, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962]

## Subpart 62.20—Lights on Fixed Structures

### § 62.20-1 General.

Lights on fixed structures are aids to navigation placed on shore or on marine sites to assist a navigator to determine his position or safe course, to mark channels and to warn him of dangers or obstructions to navigation. They are identified by their light color and flashing characteristics at night, and by the color and construction of the structure during day time. The location, description and characteristic of lights on fixed structures are published in the Light Lists.

## Subpart 62.25—Buoys

### § 62.25-1 General.

(a) The waters of the United States are marked to assist navigation by a lateral system of buoyage for use with charts. This system employs a simple arrangement of colors, shapes, numbers and light characteristics to show the side on which a buoy should be passed when proceeding in a given direction. The characteristics are determined by the position of the buoy with respect to the navigable channels as the channels are entered from seaward toward the head of navigation. As all channels do not lead from seaward, at times arbitrary assumptions must be made in order that the system may be consistently applied. The characteristics assigned to buoys are based on the assumption that proceeding in a southerly direction along the Atlantic Coast, in a northerly and westerly direction along the Gulf Coast, in a northerly direction on the Pacific Coast, and in a westerly and northerly direction on the Great Lakes (except Lake Michigan), and in a southerly direction on Lake Michigan, is proceeding from seaward.

(b) On the Intracoastal Waterway proceeding in a general southerly direction along the Atlantic Coast, and in a general westerly direction along the Gulf Coast, is considered as proceeding from seaward. On the Mississippi and Ohio Rivers and their tributaries the aids to navigation characteristics are determined as proceeding from sea toward the head of navigation although local terminology describes "left bank" and "right bank" as proceeding with the flow of the river.

[CGFR 5-15, 18 FR 4, Jan. 1, 1953, as amended by CGFR 58-50, 24 FR 5606, July 11, 1959]

### § 62.25-5 Colors.

When proceeding from seaward:

(a) Black buoys mark the port (left) sides of channels, or the location of wrecks or obstructions which must be passed by keeping the buoy on the port (left) hand.

(b) Red buoys mark the starboard (right) sides of channels, or the location of the wrecks or obstructions which must be passed by keeping the buoy on the starboard (right) hand.

(c) Red and black horizontally banded buoys mark junctions or bifurcations in the channel, or wrecks or obstructions which may be passed on either side. If the topmost band is black, the preferred channel will be followed by keeping the buoy on the port (left) hand. If the topmost band is red, the preferred channel will be followed by keeping the buoy on the starboard (right) hand.

NOTE: When proceeding toward seaward, it may not be possible to pass on either side of these buoys, and the chart should always be consulted.

(d) Black and white vertically striped buoys mark the fairway or midchannel.

(Sec. 6(b)(1), 80 Stat. 937; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 52-15, 18 FR 4, Jan. 1, 1953, as amended by CGD 72-160R, 37 FR 25708, Dec. 2, 1972]

### § 62.25-10 Shapes.

In order to provide ready identification certain unlighted buoys are differentiated by shape.

(a) Red buoys, or red and black horizontally banded buoys with the topmost band red are conical shaped and called nun buoys.

(b) Black buoys, or black and red horizontally banded buoys with the top-most band black are cylindrical shaped and called can buoys.

(c) Black and white vertically striped buoys may be either nun or can buoys. The shape has no significance in this case. Lighted buoys, sound buoys, and spar buoys are not differentiated by shape to indicate the side on which they should be passed. No special significance is attached to the shapes of these buoys, their purpose being indicated only by the coloring, numbering, or light characteristics.

### § 62.25-15 Numbers.

(a) All solid red and solid black buoys are numbered, the red buoys bearing even numbers and the black buoys bearing odd numbers, the numbers for each increasing from seaward. The numbers are kept in approximate sequence on both sides of a channel by omitting numbers where required.

(b) No other color buoys are numbered; however, any color buoy may be lettered for the purpose of identification.

### § 62.25-20 Light color characteristics.

Red lights on buoys are used only on red buoys or red and black horizontally banded buoys with the topmost band red. Green lights on buoys are used only on the black buoys or black and red horizontally banded buoys with the top-most band black. White lights on buoys are used on any color buoy. No special significance is attached to a white light on a buoy, the purpose of the buoy being indicated by its color, number, or its light phase characteristics.

### § 62.25-25 Light phase characteristics.

(a) Lights on red buoys or black buoys, if not fixed, will always be regularly flashing or regularly occulting. For ordinary purposes the frequency of flashes will be not more than 30 per minute (slow flashing). For purposes when it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel, or to mark wrecks or dangerous obstructions, the frequency of flashes will be not less than 60 per minute (quick flashing).

(b) Lights on red and black horizontally banded buoys will always show a series of quick flashes interrupted by eclipses about 8 times per minute (interrupted quick flashing).

(c) Lights on black and white vertically striped buoys will always show a white short-long flash, this combination recurring at the rate of about 8 times per minute.

### § 62.25-30 Intracoastal Waterway identification.

(a) Intracoastal Waterway aids to navigation have characteristic yellow markings which distinguish them from aids to navigation marking other waters. Buoys and single piles have a yellow band at the top; daymarks have a yellow border.

(b) When the Intracoastal Waterway route coincides with another waterway, such as a river on which the aids to navigation are marked from the sea to the head of navigation according to the lateral system of buoyage, special markings are used consisting of yellow squares or yellow triangles painted on a conspicuous part of such dual-purpose aids to navigation. A yellow triangle on an aid to navigation indicates that the aid must be left on the starboard side, and a yellow square on an aid indicates that it must be left on the port side, regardless of the color or number of the aid, when traversing the Intracoastal Waterway route from north to south on the Atlantic Coast and from east to west along the Gulf Coast.

### § 62.25-35 Special purpose buoys.

(a) Buoys for special purposes which have no lateral significance are colored as follows. White buoys mark anchorage areas. Yellow buoys mark quarantine anchorage areas. White buoys with green tops are used in connection with dredging and survey operations. White and black alternate horizontally banded buoys mark fish net areas. White and international orange buoys alternately banded, either horizontally or vertically, are for special purposes to which neither the lateral system colors nor the other special purpose colors apply. Yellow and black vertically striped buoys are used for seadrome markings and have no marine significance.

(b) The shape of special purpose buoys has no significance. They are not numbered, but may be lettered. They may display any color light except red or green. Only fixed, occulting, or slow flashing characteristics are used. This section does not apply to aids to navigation marking floating plant moorings which shall be lighted as prescribed by the Secretary of the Army.

### § 62.25-40 Buoys marking wrecks.

Buoys established by the Coast Guard to mark wrecks are generally placed on the seaward or channel side of the wreck and as near to the wreck as conditions will permit.

### § 62.25-45 Minor lights and daybeacons.

Minor lights and daybeacons used to mark the sides of channels are given numbers and characteristics in accordance with the lateral system of buoyage.

### § 62.25-50 Reflectors.

(a) Certain aids to navigation are fitted with light reflecting material (reflectors) to assist in their location in darkness. The colors of such reflectors have the same lateral significance as the colors of lights.

(b) Certain aids to navigation may be fitted with or have incorporated in their design, special fixtures (radar reflectors) designed to enhance their ability to reflect radar energy. In general, these fixtures will materially improve the aids for use by vessels equipped with radar.

### § 62.25-55 Caution.

All mariners are cautioned not to rely solely on buoys for navigational purposes because of their potential unreliability. Individual buoys have varying degrees of reliability because of the factors described below.

(a) On government charts, the approximate position of a buoy and its sinker is represented by the dot or circle associated with the buoy symbol. The dot or circle represents the approximate position because of practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations. These limitations include, but are not limited to, inherent imprecisions in position fixing methods, prevailing atmospheric and sea conditions, the slope of and the material making up the seabed, the fact that buoys are moored to sinkers by varying lengths of chain, and the fact that buoy body and sinker positions are not under continuous surveillance but are normally verified only during periodic maintenance visits which often occur more than a year apart. The position of the buoy body can be expected to shift inside and outside the charting symbol due to the forces of nature. The mariner is also cautioned that buoys are liable to be carried away, shifted, capsized, sunk, etc. Lighted buoys may be extinguished or sound signals may not function as the result of ice, running ice, or other natural causes, collisions, or other accidents.

(b) So as not to endanger the safety of his vessel, a mariner is cautioned that he must not rely completely upon the position or operation of buoys to determine the position of his vessel. A prudent mariner also utilizes bearings or angles from fixed aids to navigation and objects on shore, when available, as well as other sources of navigational information such as soundings, RDF, etc. Also, a vessel attempting to pass close aboard risks collision with a yawing buoy or with the obstruction the buoy marks.

[CGD 74-81, 39 FR 41362, Nov. 27, 1974]

### § 62.25-60 Station buoys.

Station buoys are sometimes placed in close proximity to a major aid to mark the station in case the regular aid is accidentally shifted from station. Station buoys are colored and numbered the same as the regular aid to navigation. Lightship station buoys bear the letters "LS" above the initials of the station.

[CGD 52-15, 18 FR 4, Jan. 1, 1953. Redesignated by CGD 74-81, 39 FR 41362, Nov. 27, 1974]

## Subpart 62.30—Lightships

### § 62.30-1 General.

Lightships are aids to navigation placed in exposed locations where it is impractical to construct fixed aids to navigation. They provide light, fog, and radiobeacon signals, and are distinguished from each other by the characteristics of their signals in the same manner as any other aid to navigation. The characteristics of the various lightships are given in the Light Lists.

### § 62.30-5 Relief lightships.

Relief lightships may be placed at any of the lightship stations, and, when practicable, exhibit light, sound and radiobeacon signals having the same characteristics of the station.

### § 62.30-10 Color and name.

All lightships, except Lake Huron Lightship, are painted red with the name of the station in white on both sides; Lake Huron Lightship is painted black with the name of the station painted in white on both sides. Relief lightships are painted the same color as the regular station ships, with the word "RELIEF" in white letters on both sides.

### § 62.30-15 Identification.

Lightships, especially relief lightships, will display the international code signal of the station whenever a vessel is approaching or is in the vicinity and there are any indications that such a vessel is in strange waters or fails to recognize the station, or whenever a vessel asks for the information.

### § 62.30-20 Caution.

Because of casualties and near casualties to lightships, all mariners are cautioned that courses should invariably be set to pass lightships with sufficient clearance to avoid possibility of collision from any cause. Experience shows that lightships cannot be safely used as leading marks to be passed close aboard, but should invariably be left broad off the course wherever searoom permits. When approaching a lightship on radio bearings, the risk of collision will be avoided by insuring that the radio bearing does not remain constant.

## Subpart 62.35—Maritime Radiobeacons

### § 62.35-1 General.

Maritime radiobeacons operate during specific intervals as published in Coast Guard Light Lists. For station identification simple characteristics consisting of combinations of dots and dashes are used. The characteristics of marker-beacons are composed of series of dashes for part of a 15-second cycle, which is followed by a silent period to complete the cycle. The transmitted power of maritime radiobeacons is adjusted to provide a usable signal at the service range which meets the operational requirement. Markerbeacons are of low power for local use only. Coast Guard maritime radiobeacons operate within the frequency band 285-325 kilocycles.

[CGFR 65-4, 30 FR 1044, Feb. 2, 1965]

### § 62.35-5 Carrier type operation.

Radiobeacons superimpose the characteristic code on a carrier which is on continuously during the period of transmission. This extends the usefulness of maritime radiobeacons to aircraft and ships employing automatic direction finders.

[CGFR 65-4, 30 FR 1044, Feb. 2, 1965]

### § 62.35-10 Calibration service.

Special calibration radiobeacons, as listed in the current editions of the Coast Guard Light Lists, will broadcast continuously for the purpose of enabling vessels to calibrate their direction finders upon request either to the cognizant District Commander, or, if time does not permit, directly to the calibration station. Signals for requesting calibration service are described in the current editions of the Coast Guard Light Lists. In the case of sequenced radiobeacon stations, continuous transmission for calibration purposes cannot be made without interference resulting with other stations in the same frequency group.

[CGFR 65-4, 30 FR 1044, Feb. 2, 1965]

### § 62.35-15 Distance finding.

At certain radiobeacon stations the radiobeacon signal and sound signal are synchronized for distance finding. Distance finding from these stations is based on the principle of determining the time difference in receipt of the radiobeacon signal and the sound signal which are transmitted from the station simultaneously. Distance finding stations are listed in the current editions of the Coast Guard Light Lists. These publications also describe the method of using distance finding stations.

### § 62.35-20 Caution.

A vessel steering a course for a radiobeacon should observe the same precautions that apply when steering for a light or any other mark. If the radiobeacon is aboard a lightship or on a submarine site, particular care should be exercised to avoid the possibility of collision.

[CGFR 60-81, 26 FR 1115, Feb. 7, 1961]

## Subpart 62.40—Loran

### § 62.40-1 General.

(a) Loran-A is an electronic aid to navigation by means of which navigators on or over the ocean can determine their position accurately and quickly, day or night, and under practically any condition of weather and sea. A Loran line of position is determined by measuring the time difference in receipt of synchronized electromagnetic wave pulses from two transmitting stations. A position fix may be determined by crossing a Loran line of position with another Loran line, sun line, star line, or other normal line of position. The reliable average daytime range of Loran-A is 700 miles using ground waves and 1,400 miles nighttime range using skywaves. Loran-A is usable only by vessels or aircraft equipped with a Loran-A receiver-indicator and Loran-A charts or tables.

(b) Loran-C is similar to Loran-A in most particulars, being also an electronic pulsed hyperbolic radio aid to navigation. Due to the lower frequency band used, 90-110 kc/s, ranges are considerably increased. Groundwave coverage extends approximately 1,200 miles from each station. Usable skywave coverage exists to about 3,500 miles. Accuracy of Loran-C is considerably greater than Loran-A. Use of the system requires appropriate Loran-C receiver-indicator equipment and charts or tables.

[CGFR 62-32, 27 FR 10101, Oct. 13, 1962]

### § 62.40-5 Rate designation.

(a) The Loran signals transmitted from two paired transmitting stations determine a Loran rate. Loran-A rates are given designators consisting of a single digit number followed by either the letter "L", "H", or "S", followed by another single digit number. The first digit indicates the frequency channel of the rate (in the band 1750 kc/s to 2000 kc/s) and the letter and final digit designate the pulse recurrence rate, i.e., the number of pulses per second transmitted.

(b) Loran-C rates are designated by the four most significant digits of the five digit number which describes the time interval, in microseconds, between successive pulse group transmissions for each station assigned to a given rate. A rate is provided at each ten microsecond increment between 40,000 and 99,990 microseconds. Since all rates are on the same carrier frequency (100 kHz), no preliminary number or letter is required.

[CGFR 62-32, 27 FR 10101, Oct. 13, 1962, as amended by CGD 74-24, 40 FR 6339, Feb. 11, 1975]

### § 62.40-10 Charts, tables, and instruction books.

Loran charts, tables and operating instruction books are published by the Hydrographic Office, Navy Department, Washington 25, D.C., and may be obtained upon request at nominal cost. These instructions, tables and charts contain complete descriptions of the loran system and service available. Coast charts of the United States with loran lines are published by the U.S. Coast and Geodetic Survey.

[CGFR 52-15, 18 FR 4, Jan. 1, 1953, as amended by CGFR 61-55, 26 FR 12572, Dec. 28, 1961]

### § 62.40-15 Signal warning.

When loran signals are not syncronized or for any other reason are not satisfactory for navigation, one of the two signals on the unsatisfactory rate will "blink," i.e., the signal will appear and disappear alternately. Under no circumstances should a loran rate which is blinking be used for navigation purposes.

### § 62.40-20 Caution.

Caution must be used in matching loran signals to insure that the ground wave signal of one station is not matched with a sky wave signal of the other station of the rate. Tables and charts are computed for determination of position from matching ground waves with ground waves or sky waves with sky waves.

## Subpart 62.45—Fog Signals

### § 62.45-1 General.

The function of a fog signal in the system of aids to navigation is to warn of danger, and to provide the mariner with a practical means of determining his position with relation to the fog signal at such times as the station or any visual signal which it displays is obscured from view by fog, snow, rain, smoke or thick weather. Among the devices in common use as fog signals are diaphones, diaphragm horns, reed horns, sirens, whistles, bells and gongs. (Radiobeacons are treated separately under Subpart 62.35.)

### § 62.45-5 Identification.

Fog signals are distinguished by their characteristics as specified in the Light Lists. The characteristic of a fog signal is described by its tone and signal characteristics. Its tone is determined by the device used to create the sound, such as diaphone, siren, bell, etc. The signal characteristic is the phase relationship of the recurring sound emissions. Fog signals on fixed stations and lightships produce a specific number of blasts and silent periods each minute, when operating, to provide positive identification; fog signals on buoys are generally actuated by the motion of the sea and, therefore, do not emit regular signal characteristics, and when the sea is calm, may emit no sound signals.

### § 62.45-10 Periods of operation.

(a) Fog signals at stations where a continuous watch is maintained are sounded when the visibility decreases to 5 miles, and also whenever the fog whistle of a passing vessel is heard. Fog signals at certain stations which also operate radiobeacons are synchronized with the radiobeacon for distance finding. (See § 62.35-15.)

(b) Fog signals at locations where no watch is maintained are operated continuously unless otherwise stated in the Light List for any particular aid to navigation.

(c) Fog signals on buoys are generally operated by the motion of the sea.

### § 62.45-15 Caution.

Mariners are cautioned that the hearing of fog signals cannot be implicitly relied upon. Experience indicates:

(a) That distance must not be judged only by the intensity of the sound.

(b) That occasionally there may be areas close to a fog signal in which it is not heard, and, that the mariner must not assume that a fog signal is not operating because he does not hear it.

(c) That fog may exist not far from a station, and yet not be seen from it, and that, therefore, the signal may not be in operation.

# PART 64—MARKING OF SUNKEN OBSTRUCTIONS

## Subpart 64.01—Marking of Sunken Vessels or Other Obstructions

Sec.
64.01-1 General.
64.01-5 Marking by owners.
64.01-10 Marking by the U.S. Coast Guard.

## Subpart 64.05—Changes for Marking

64.05-1 Liability of owner for cost of marking.

## Subpart 64.10—Reports

64.10-1 Reports of sunken obstructions.

**Subpart 64.15—Notices of Abandonment**

Sec.
64.15-1 Notices of tenders of abandonment.

AUTHORITY: 14 U.S.C. 81, 86, 92, 633; 30 Stat. 1151, 1152, 33 U.S.C. 403, 409.

SOURCE: CGFR 67-10, 32 FR 3056, Feb. 18 1967, unless otherwise noted.

## Subpart 64.01—Marking of Sunken Vessels or Other Obstructions

### § 64.01-1 General.

(a) The owner of a vessel sunk in the navigable waters of the United States who fails to mark the wreck immediately for the protection of navigation with a buoy or daymark during the day and a light at night may, in addition to being in violation of 33 U.S.C. 409, be liable for resulting damage to the public. The owner of a sunken obstruction other than a vessel which creates an obstruction to the navigable capacity of any of the waters of the United States may, in addition to being in violation of 33 U.S.C. 403, be liable for resulting damage to the public.

(b) The Coast Guard is authorized to mark for the protection of navigation any sunken vessel or other obstruction that is not suitably marked. Marking by the Coast Guard does not relieve the owner of any such obstruction from the duty and responsibility suitably to mark the obstruction and remove it as required by law.

### § 64.01-5 Marking by owners.

Buoys, daymarks, and lights established by owners of sunken vessels or other obstructions to mark such obstructions for the protection of navigation shall conform to the lateral system of buoyage prescribed by Subpart 62.25 of this chapter. Such markings shall be maintained until the obstruction is removed or the right of the owner to abandon is legally established and has been exercised.

### § 64.01-10 Marking by the U.S. Coast Guard.

(a) When the District Commander within whose jurisdiction a sunken vessel is located determines that the wreck is not suitably marked by the owner for the protection of navigation, he may mark the wreck in such manner and for so long as in his judgment the needs of maritime navigation require. The costs of such marking by the Coast Guard will be charged to the owner of the wreck.

(b) When the District Commander within whose jurisdiction a sunken obstruction other than a vessel is located determines that the obstruction is not suitably marked for the protection of navigation, he may mark the obstruction in such manner and for so long as, in his judgment, the needs of maritime navigation require. The costs of such marking will be charged to the owner of the obstruction. When the needs of navigation permit, the owner will be informed that the obstruction should be marked and will be afforded reasonable opportunity to mark the obstruction.

## Subpart 64.05—Charges for Marking

### § 64.05-1 Liability of owner for cost of marking.

(a) Pursuant to the provisions of 14 U.S.C. 86 the owner of a sunken vessel or other obstruction marked by the Coast Guard shall be liable for the cost of such marking until such time as the obstruction is removed or the right of the owner to abandon is legally established and has been exercised or until such earlier time as the District Commander in whose jurisdiction the obstruction is located may determine.

(b) Charges for the costs of marking by the Coast Guard shall be determined in accordance with Part 74 of this chapter.

## Subpart 64.10—Reports

### § 64.10-1 Reports of sunken obstructions.

(a) Owners of vessels sunk in the navigable waters of the United States shall promptly report to the nearest U.S. Coast Guard Marine Inspection Office the action he is taking to mark the wreck giving, in addition to the report required by 46 CFR 4.05-1 the following information:

(1) Name and description of the sunken vessel.

(2) Accurate location of the vessel.

(3) Depth of water over the vessel.

(4) Location and type of marking established, including color and shape of buoy or daymark and characteristic of the light.

(b) Owners of sunken obstructions other than vessels are encouraged to report the existence of such obstructions in the same manner as prescribed for sunken vessels and shall report promptly the location and type of any markings established, giving a complete description of the color and shape of any buoy or daymark and the characteristic of any lights established to mark the obstruction.

### Subpart 64.15—Notices of Abandonment

**§ 64.15-1 Notices of tenders of abandonment.**

Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

## PART 66—PRIVATE AIDS TO NAVIGATION

### Subpart 66.01—Aids to Navigation Other Than Federal or State

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AUTHORITY: Secs. 83, 85, 92, 633, 63 Stat. 500, 501, 503, 633, sec. 4, 67 Stat. 462; 14 U.S.C. 83, 85, 92, 633; 43 U.S.C. 1333, unless otherwise noted. Treasury Dept. Orders 167-15, Jan. 3, 1955, 20 FR 840; 167-17, June 29, 1965, 20 FR 4976.

### Subpart 66.01—Aids to Navigation Other Than Federal or State

AUTHORITY: 14 U.S.C. 81, 83, 85, 86, 92, 633, sec. 4, 67 Stat. 462, 43 U.S.C. 1333, sec. 6(b), 80 Stat. 938, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), (f) and (g).

SOURCE: CGFR 68-152, 33 FR 19816, Dec. 27, 1968, unless otherwise noted.

**§ 66.01-1 Basic provisions.**

(a) No person, public body or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish and maintain, discontinue, change or transfer ownership of any aid to maritime navigation, without first obtaining permission to do so from the Commandant.

(b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States other than those operated by the Federal Government (Part 62 of this subchapter) or those operated in State waters for private aids to navigation (Subpart 66.05).

(c) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State or local laws or regulations.

(d) With the exception of shore based radar stations, operation of electronic aids to navigation as private aids will not be authorized.

### § 66.01-3 Delegation of authority to District Commanders.

(a) Pursuant to the authority in 49 CFR 1.4(g), the Commandant delegates to the District Commanders within the confines of their respective districts (see Part 3 of this Chapter for descriptions) the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation, and otherwise administer the requirements of this subpart.

(b) The decisions of the District Commander may be appealed within 30 days from the date of decision. The decision of the Commandant in any case is final.

### § 66.01-5 Application procedure.

Application to establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation shall be made to the Commander of the Coast Guard District in which the private aid to navigation is or will be located. Application forms (CG-2554) will be provided upon request. The applicant shall complete all parts of the form applicable to the aid to navigation concerned, and shall forward the application in triplicate to the District Commander. The following information is required:

(a) The proposed position of the aid to navigation by two or more horizontal angles, or bearings and distance from charted landmarks. A section of chart or sketch showing the proposed location of the aid to navigation shall be included.

(b) The name and address of the person at whose expense the aid will be maintained.

(c) The name and address of the person who will maintain the aid to navigation.

(d) The time and dates during which it is proposed to operate the aid.

(e) The necessity for the aid.

(f) For lights: The color, characteristic, height above water, and description of illuminating apparatus.

(g) For fog signals: Type (whistle, horn, bell, etc.) and characteristic.

(h) For buoys or daybeacons: Shape, color, number, or letter, depth of water in which located or height above water.

### § 66.01-10 Characteristics.

The characteristics of a private aid to navigation shall conform to the standard U.S. system of aids to navigation characteristics described in subpart 62.25 of Part 62 of this subchapter, except that only tungsten-incandescent light sources will be approved for electric lights.

### § 66.01-15 Action by Coast Guard.

(a) The District Commander receiving the application will review it for completeness and will assign the aid one of the following classifications:

Class I: Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II: Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III: Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

(b) Upon approval by the District Commander, a signed copy of the application will be returned to the applicant.

### § 66.01-20 Inspection.

All classes of private aids to navigation shall be maintained in proper operating condition. They are subject to inspection by the Coast Guard at any time and without prior notice.

### § 66.01-25 Discontinuance and removal.

(a) No person, public body or instrumentality shall change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) without first obtaining permission to do so from the District Commander.

(b) Any authorized private aid to navigation not required by statute or regulation (Classes II and III, § 66.01-15) may be discontinued and removed by the owner after 30 days' notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.

(c) Private aids to navigation which have been authorized pursuant to this part shall be discontinued and removed without expense to the United States by the person, public body or instrumentality establishing or maintaining such aids when so directed by the District Commander.

### § 66.01-30 Corps of Engineers' approval.

(a) Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the District Engineer, U.S. Army Corps of Engineers in whose district the aid will be located.

(b) The application to establish any private aid to navigation consisting of a fixed structure shall show evidence of the required permit having been issued by the Corps of Engineers.

### § 66.01-35 Marking of structures and floating obstructions.

Any structure, mooring, mooring buoy, or dam, in or over the navigable waters of the United States shall display the lights and other signals for the protection of maritime navigation as may be prescribed by the Commandant. The prescribed lights and signals shall be installed, maintained and operated by and at the expense of the owner, or operator. After obtaining such approval or a statement of no objection from the Corps of Engineers as is required by law, the owner or operator shall apply in accordance with § 66.01-5 to the District Commander having jurisdiction over the waters in which the structure or floating obstruction will be located for a determination of the lights and other signals to be displayed. This requirement includes the temporary lights and signals to be displayed during the construction of a structure. If no regulation exists prescribing the lights or other signals required to mark any work or obstruction, each case shall be considered individually by the District Commander, who will prescribe such lights and signals as he considers necessary for the safety of navigation.

### § 66.01-40 Exemptions.

(a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of vessels and other obstructions sunk in the navigable waters of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (Part 68 of this subchapter).

(b) Persons marking structures pursuant to Part 64 or Part 68 of this subchapter are exempted from the provisions of §§ 66.01-5 and 66.01-35.

### § 66.01-45 Penalties.

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83. Any owner or operator of a fixed structure, excluding an agency of the United States, who violates any of the rules or regulations prescribed with respect to lights and other signals for fixed structures, is subject to the provisions of 14 U.S.C. 85.

### § 66.01-50 Protection of private aids to navigation.

Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 70 of this subchapter). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

### § 66.01-55 Transfer of ownership.

(a) When any private aid to navigation authorized by the District Commander, or the essential real estate or facility with which the aid is associated, is sold or transferred, both parties to the transaction shall submit application (§ 66.01-5) to the Commander of the Coast Guard District in which the aid is located requesting authority to transfer responsibility for maintenance of the aid.

(b) The party relinquishing responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the discontinuance and the change of ownership of the aid sold or transferred.

(c) The party accepting responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the establishment and the change of ownership of the aid sold or transferred.

(d) In the event the new owner of the essential real estate or facility with which the aid is associated refuses to accept responsibility for maintenance of the aid, the former owner shall be required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.

## Subpart 66.05—State Aids to Navigation

SOURCE: CGFR 66-32, 31 FR 10320, July 30, 1966, unless otherwise noted.

### § 66.05-1 Purpose.

(a) The purpose of the regulations in this subpart and Subpart 66.10 of this part is to prescribe the conditions under which State governments may regulate aids to marine navigation, including regulatory markers, owned by State or local governments or private parties, in navigable waters of the United States not marked with aids by the Federal Government; and to prescribe a uniform system of marine aids to navigation compatible with the United States lateral system of buoyage to which all aids to navigation regulated by a State government shall conform, except when they conform to the lateral system. The United States lateral system is described in Part 62 of this subchapter.

### § 66.05-5 Definition of terms used in this subpart and Subpart 66.10.

(a) The term "State waters for private aids to navigation" means those navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal government. These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters so designated.

(b) The term "Uniform State Waterway Marking System" (USWMS) means the system of private aids to navigation, including regulatory markers, which may be operated in State waters for private aids to navigation. Subpart 66.10 of this part describes the Uniform State Waterway Marking System.

(c) The term "State Administrator" means the official of a State having power under the law of the State to regulate, establish, operate or maintain maritime aids to navigation on waters over which the State has jurisdiction.

(d) The term "State aids to navigation" means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

(e) The term "regulate State maritime aids to navigation" means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

### § 66.05-10 State waters for private aids to navigation; designations; revisions, and revocations.

(a) A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

(b) The request shall be forwarded to the District Commander in whose district the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area; and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

(c) The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under provisions of § 66.05-20. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with his recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander shall forward the request with his recommendations and a statement of the points agreed upon and the points remaining at issue.

(d) Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

(e) The Commandant may, upon his own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

### § 66.05-20 Coast Guard-State agreements.

(a) The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation at any time without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway Marking System or to the lateral system of buoyage and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreements. In lieu of the procedure prescribed in § 66.01-5, the agreement shall constitute blanket approval by the Commandant of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigation under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under the procedures of § 66.01-5.

(2) Procedures for use by the State Administrator to notify the District Commander of changes made in State aids to navigation, as required by § 66.05-25.

(3) Specification of the marking system to be used, whether the lateral system or the Uniform State Waterway Marking System, or both.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

### § 66.05-25 Change and modification of State aids to navigation.

(a) Wherever a State Administrator shall determine the need for change in State aids to navigation, he shall inform the District Commander of the nature and extent of the changes as soon as possible, preferably not less than 30 days in advance of making the changes.

### § 66.05-30 Notice to Mariners.

(a) The District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners as he deems necessary in the interest of public safety.

(b) Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by the U.S. Coast and Geodetic Survey, the U.S. Army Corps of Engineers, or the U.S. Lake Survey, Corps of Engineers.

### § 66.05-35 Private aids to navigation other than State owned.

(a) No person, public body or other instrumentality not under control of the Commandant or the State Administrator, exclusive of the Armed Forces of the United States, shall establish, erect or maintain in State waters for private aids to navigation any aid to navigation without first obtaining permission to do so from the State Administrator. Discontinuance of any State aids to navigation may be effected by order of the State Administrator.

### § 66.05-40 Corps of Engineers' approval.

(a) In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, or a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authority shall be provided by the Administrator to the District Commander upon request.

(b) Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or a statement of no objection to the structures or mooring buoys proposed is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.

**§ 66.05-100 Designation of navigable waters as State waters for private aids to navigation.**

In accordance with the procedures contained in § 66.05-10(d) the following navigable waters listed by the State in which they are located, are designated as State waters for private aids to navigation:

(a) *Alabama.* Each water within the State not marked with Coast Guard aids to navigation on March 26, 1971.

(b) *Arizona.* The portion of Lake Havasu within the State, except that portion within Havasu Lake National Wildlife Refuge.

(c) *Louisiana.* The portion of Toledo Bend Reservoir within the State.

(d) *Missouri.* Teach water within the State except the—

(1) Mississippi River; and

(2) Missouri River.

(e) *Montana.* The portion of Missouri River between the U.S. Highway 287 bridge near Townsend and Great Falls including the following impoundments:

(1) Black Eagle Dam Reservoir.

(2) Canyon Ferry Reservoir.

(3) Hauser Lake.

(4) Holter Lake.

(5) Rainbow Dam Reservoir.

(f) *North Carolina.* Each navigable water within the State not marked with Coast Guard aids to navigation on June 1, 1973.

(g) *Pennsylvania.* The portion of Youghiogheny River Reservoir within the State.

(g-1)(1) *South Carolina.* The portion of Lake Wylie within the State.

(h) *Texas.* The portion of Toledo Bend Reservoir within the State.

(i) *Virginia.* (1) Claytor Lake, on the New River in Pulaski County.

(2) Leesville Lake, on the Roanoke River below Smith Mountain Dam.

(3) The portions of the following reservoirs within the State:

(i) Gaston.

(ii) Holston.

(iii) John H. Kerr.

(iv) Philpott.

(j) *Wisconsin.* Navigable waters within the State not marked with Coast Guard aids to navigation on November 17, 1969.

(14 U.S.C. 81, 86, 92, 633, 33 U.S.C. 403, 409, 49 U.S.C. 1655(b); 49 CFR 1.46(b))

[CGD 72-154R, 38 FR 33473, Dec. 5, 1973, as amended by CGD 76-015, 41 FR 12879, Mar. 29, 1976]

## Subpart 66.10—Uniform State Waterway Marking System

SOURCE: CGFR 66-32, 31 FR 10321, July 30, 1966, unless otherwise noted.

**§ 66.10-1 General.**

(a) In the navigable waters of the United States, marking to assist navigation is accomplished by a lateral system of buoyage for use with nautical charts. The Uniform State Waterway Marking System (USWMS) has been developed to provide a means to convey to the small vessel operator, in particular, adequate guidance to indicate safe boating channels by indicating the presence of either natural or artificial obstructions or hazards, marking restricted or controlled areas, and providing directions. The USWMS is suited to use in all water areas and designed to satisfy the needs of all types of small vessels. It supplements and is generally compatible with the Coast Guard lateral system aids to navigation.

(b) The lateral system is used by the Coast Guard in marking of navigable waters of the United States and may be also used by a State Administrator for private aids to navigation.

(c) The USWMS consists of two categories of aids to navigation.

(1) A system of regulatory markers to indicate to a vessel operator the existence of dangerous areas as well as those which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions.

(2) A system of aids to navigation to supplement the Federal lateral system of buoyage.

**§ 66.10-5 Regulatory markers.**

(a) Each regulatory marker shall be colored white with international orange geometric shapes.

(b) When a buoy is used as a regulatory marker it shall be white with horizontal bands of international orange placed completely around the buoy circumference. One band shall be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two bands shall be white.

(c) Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meanings associated with them are as follows:

(1) A vertical open faced diamond shape to mean danger.

(2) A vertical open faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area.

(3) A circular shape to mean that a vessel operated in the marked area is subject to certain operating restrictions.

(4) A square or rectangular shape with directions or information lettered on the inside.

(d) Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign shall be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included it shall be centered on the signboard.

### § 66.10-10 Geometric shapes and wording on regulatory markers.

(a) The geometric shape displayed on a regulatory marker is intended to convey specific meaning to a vessel whether or not it should stay well clear of the marker or may safely approach the marker in order to read any wording on the marker.

### § 66.10-15 Aids to navigation.

(a) The second category of marker in the USWMS is the aid to navigation having lateral or cardinal meaning.

(b) On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of a navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one on each side of the navigable channel which they mark, and opposite each other to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(c) On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(d) Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly State owned waters and the State waters for private aids to navigation as defined and described in this part.

(e) Aids to navigation conforming to the cardinal system shall consist of three distinctly colored buoys.

(1) A white buoy with a red top may be used to indicate to a vessel operator that he must pass to the south or west of the buoy.

(2) A white buoy with a black top may be used to indicate to a vessel operator that he must pass to the north or east of the buoy.

(3) In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he must not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

### § 66.10-20 Size, shape, material and construction of markers.

(a) The size, shape, material, and construction of all markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid will be recognizable before the observer stands into danger.

### § 66.10-25 Numbers, letters or words on markers.

(a) Numbers, letters or words on an aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They shall be block style, well proportioned and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black.

(b) Odd numbers shall be used to identify solid colored black buoys or black topped buoys; even numbers shall be used to identify solid colored red buoys or red topped buoys. All numbers shall increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary.

(c) Letters only may be used to identify regulatory and the white and red vertically striped obstruction markers. When used the letters shall follow alphabetical sequence in an upstream direction or toward the head of navigation. The letters I and O shall be omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary.

### § 66.10-30 Reflectors or retroreflective materials.

(a) The use of reflectors or retroreflective materials shall be discretionary.

(b) When used on buoys having lateral significance, red reflectors or retroreflective materials shall be used on solid colored red buoys; green reflectors or retroreflective materials shall be used on solid colored black buoys; white reflectors or retroreflective materials only shall be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers.

### § 66.10-35 Navigation lights.

(a) The use of navigational lights on State aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys shall be regularly flashing, regularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than 30 flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than 60 flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it shall always be quick flashing. The colors of the lights shall be the same as for reflectors; a red light only on a solid colored red buoy; a green light on solid colored black buoy; white light only for all other buoys including regulatory markers.

### § 66.10-40 Ownership identification.

(a) The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner which will avoid detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker.

### § 66.10-45 Mooring (anchor) buoys.

(a) Mooring buoys in State waters for private aids to navigation shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline.

(b) A lighted, mooring buoy shall normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it shall display a quick flashing white light.

(c) A mooring buoy may bear ownership identification provided that the manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned.

# PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

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AUTHORITY: Secs. 83, 85, 92, 633, 63 Stat. 500, 503, 545, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 83, 85, 92, 633, 43 U.S.C. 1333, 49 U.S.C. 1655(b), 1657(e); 49 CFR 1.4(a)(2), (f), (g), unless otherwise noted.

SOURCE: CGFR 58-17, 23 FR 3377, May 20, 1958, unless otherwise noted.

## Subpart 67.01—General Requirements

### § 67.01-1 Scope.

(a) The regulations in this part prescribe the obstruction lights and fog signals to be operated as privately maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf and in the waters under the jurisdiction of the United States, for the purpose of exploring for, developing, removing and transporting resources therefrom.

(b) Subpart 66.01 in Part 66 of this subchapter shall be applicable to all private aids to navigation errected on or over the Outer Continental Shelf in the same manner and to the same extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

### § 67.01-5 Definitions.

(a) *Structures.* The term "structures" as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers' permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(b) *Class "A", "B", or "C" structures.* The term "Class A, B, or C structures" refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(c) *Line of demarcation.* The term "line of demarcation" means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class "A" and Class "B" or "C" requirements.

(d) *Outer Continental Shelf.* The term "Outer Continental Shelf" means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Reliable operation.* The term "reliable" as used in this part shall mean that dependability which will insure to the highest degree reasonably possible the uninterrupted operation of lights and fog signals as private aids to navigation for safety of marine commerce.

(f) *Fog signal.* The term "fog signal" as used in this part shall mean the audiable sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 63-18, 28 FR 4026, Apr. 14, 1963]

### § 67.01-10 Authority to regulate and delegation of functions.

(a) *Regulatory authority.* By virtue of the Department of Transportation Act (Pub. L. 89-670, 80 Stat. 931-950, 49 U.S.C. 1651-1659), establishing the Department of Transportation, the U.S. Coast Guard together with its functions and duties under the Secretary of the Treasury was transferred to the new department. The Secretary of Transportation thereby became the "head of the Department in which the Coast Guard is operating," including the authority to promulgate and enforce regulations under the Outer Continental Shelf Lands Act (43 U.S.C. 1333). By a rule in 49 CFR 1.9 the Secretary continued in effect actions taken prior to April 1, 1967. By rules in 49 CFR 1.4(a) (2) and (f) the Secretary of Transportation authorized the Commandant, U.S. Coast Guard, with respect to his own organization, to exercise the authority granted to the Secretary as Executive head of that department by any statute, Executive order or regulation. Section 1657(e) of Title 49 U.S.C. provides for delegation and redelegation of powers and functions vested in the Secretary. By a rule in 49 CFR 1.4(g) the Commandant is authorized to redelegate and authorize successive redelegations within the organization under his jurisdiction.

(b) *Delegation of functions.* The Coast Guard District Commander is hereby delegated responsibility for performing, or having performed the inspections, enforcement, and administration of such regulations, which are or may be required. He may redelegate this authority as necessary to any person from the civilian or military branch of the Coast Guard.

[CGFR 53-17, 23 FR 3378, May 20, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

**§ 67.01-15 Classification of structures.**

(a) The varied depths of water and marine commerce traffic routes which exist in the waters over the Outer Continental Shelf, and in other waters, permits the classification of structures according to their location in such waters. Those structures in the area seaward of the line of demarcation, prescribed by the regulations in this part, are designated as Class "A" structures. All structures shoreward of the line of demarcation, prescribed by the regulations in this part, are designated as either Class "B" or Class "C" structures.

(b) In the event a line of demarcation is not prescribed, the District Commander shall designate a structure "A", "B", or "C" as he deems appropriate.

**§ 67.01-20 Prescribing lines of demarcation.**

In those areas where lines of demarcation are not prescribed, or where they have been prescribed and require modification, the District Commander shall submit his recommendations thereon to the Commandant for establishment or changes as required. When approved by the Commandant, and upon publication in the Federal Register, such additions or changes in lines of demarcation shall be effective for the purposes of this part.

**§ 67.01-30 Equivalents.**

The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

## Subpart 67.05—General Requirements for Lights

**§ 67.05-1 Arrangement of obstruction lights.**

(a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall be required to have one obstruction light visible for 360°.

(b) Structures having a maximum horizontal dimension of over 30 feet, but not in excess of 50 feet, on any one side, or in diameter, shall be required to have two obstruction lights installed on diagonally opposite corners, 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(c) Structures having a horizontal dimension of over 50 feet on any one side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in § 67.20-5, § 67.25-5, or § 67.30-5, as applicable.

(e) Lesser structures and piles, pile clusters or flare templates, etc., will not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class "A", "B" or "C" structure marked by established obstruction lights, but they shall be marked with red or white retro-reflective material, installed as prescribed by the District Commander.

(f) All obstruction lights shall be installed in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of the angle of approach, until he is within 50 feet of the structure, visibility permitting.

**§ 67.05-5 Multiple obstruction lights.**

When more than one obstruction light is required by this part to mark a structure, all such lights shall be operated to flash in unison.

**§ 67.05-10 Characteristics of obstruction lights.**

All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic of approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class "A" and "B" structures, and either white or red, as prescribed by the District Commander, when marking Class "C" structures. In determining whether white or red lights shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

**§ 67.05-15 Operating periods of obstruction lights.**

Obstruction lights shall be displayed at all times between the hours of sunset and sunrise, local time, commencing at the time the construction of a structure is begun. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessel shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the actual operation of obstruction lights also will not be required.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958]

**§ 67.05-20 Minimum lighting requirements.**

The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: *Provided*, That the prescribed characteristics of color and flash duration are adhered to.

**§ 67.05-25 Special lighting requirements.**

Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

## Subpart 67.10—General Requirements for Fog Signals

AUTHORITY: Sec. 1, 70 Stat. 226, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 85, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b).

SOURCE: CGD 72-74R, 37 FR 13512, July 8, 1972, unless otherwise noted.

**§ 67.10-1 Apparatus requirements.**

The fog signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must—

(a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;

(b) Sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the District Commander;

(c) Have the range required by § 67.20-10, § 67.25-10, or § 67.30-10;

(d) Have a height not exceeding 25 feet;

(e) Have not more than eight sound sources;

(f) Be approved by the Coast Guard under § 67.10-15; and

(g) Be permanently marked with—

(1) The date of Coast Guard approval;

(2) The manufacturer and date of manufacture;

(3) A model designation;

(4) The approved range; and

(5) The power necessary to comply with the provisions of paragraph (c) of this section.

### § 67.10-5 Location requirements.

The fog signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must—

(a) Be located on the structure so that the sound signal produced is audible over 360° in a horizontal plane at all ranges up to and including the required range; and

(b) Be located at least 10 feet but not more than 150 feet above mean high water.

### § 67.10-10 Operating requirements.

(a) Fog signals required by §§ 67.20-10, 67.25-10, and 67.30-10 must be operated continuously, regardless of visibility, unless the fog signal is controlled—

(1) By an attendant on the structure;

(2) Remotely by an attendant on a nearby structure; or

(3) By a fog detection device capable of activating the fog signal when the visibility in any direction is reduced to the range at which fog signal operation is required by this part.

(b) During construction and until such time as a fog signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

### § 67.10-15 Approval of fog signals.

(a) The Coast Guard approves a fog signal if—

(1) It meets the requirements for fog signals in § 67.10-1 (a), (b), (c), (d), and (e) when tested under § 67.10-20; or

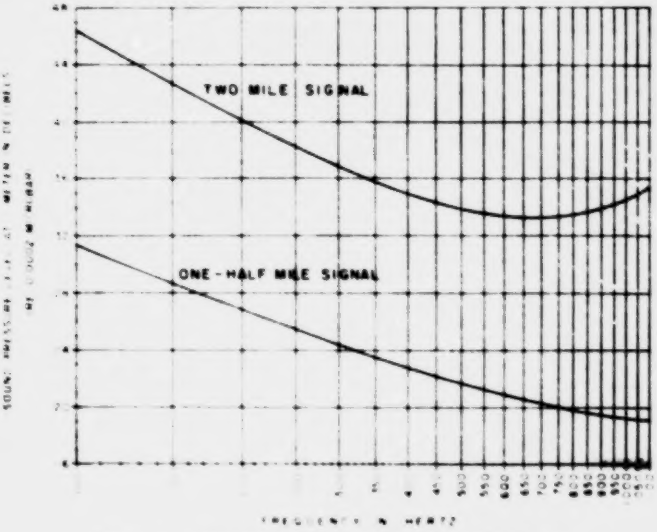
(2) It is similar to a fog signal which was tested and approved under the provisions of this section and the Coast Guard has approved all variations in design, construction, production, and manufacture from the fog signal tested.

(b) A fog signal that is an identical production model of a fog signal which has been approved under paragraph (a) of this section is a Coast Guard approved fog signal.

### § 67.10-20 Fog signal tests.

(a) Fog signal tests must—

(1) Be made by the applicant in the presence of a Coast Guard representative, who certifies the test if the procedures comply with the requirements of this section;



| FREQUENCY (Hz) | 1/2 MILE (dB) | 2 MILE (dB) |
|---|---|---|
| 100 | 131.3 | 146.4 |
| 150 | 126.8 | 142.5 |
| 200 | 126.8 | 140.1 |
| 250 | 125.4 | 138.2 |
| 300 | 124.4 | 136.8 |
| 350 | 123.4 | 135.7 |
| 400 | 122.7 | 134.9 |
| 450 | 122.1 | 134.2 |
| 500 | 121.6 | 133.8 |
| 550 | 121.2 | 133.5 |
| 600 | 120.8 | 133.3 |
| 650 | 120.5 | 133.2 |
| 700 | 120.2 | 133.2 |
| 750 | 120.0 | 133.3 |
| 800 | 119.8 | 133.4 |
| 850 | 119.6 | 133.6 |
| 900 | 119.4 | 133.8 |
| 950 | 119.3 | 134.2 |
| 1000 | 119.2 | 134.5 |
| 1050 | 119.1 | 134.9 |
| 1100 | 119.0 | 135.4 |

TABLE A REQUIRED SOUND PRESSURE LEVELS AT 1 METER FOR 1/2 AND 2 MILE FOG SIGNALS

(2) Be made with Coast Guard supplied and calibrated sound level meters and power meters; and

(3) Be made in an anechoic chamber large enough to accommodate the entire fog signal, as if installed for actual use.

(b) The sound pressure level must be measured as a function of—

(1) Distance by using a sufficient number of points to allow a far-field extrapolation of the sound pressure level;

(2) Power at outputs up to and including the approximate power level necessary to comply with § 67.10-1(c);

(3) Horizontal angle at increments not greater than 30°; and

(4) Harmonic content to at least the third harmonic.

(c) In analyzing the test data to determine the minimum power necessary to produce the sound pressure level specified in Table A of this section the Coast Guard follows the procedures prescribed by the International Association of Lighthouse Authorities (IALA) in Supplement No. 3 to the IALA Bulletin of February 1969 for analysis of harmonic components and does not consider components above 1,100 Hertz as adding to the audible range.

### § 67.10-25 Application for tests.

A person requesting a Coast Guard representative at a test of a fog signal must—

(a) Direct a written request to U.S. Coast Guard (G-WAN), 2100 Second Street SW., Washington, DC 20593, including:

(1) His name, address, and telephone number;

(2) A description of the fog signal;

(3) Range for which approval is requested;

(4) Location of the anechoic chamber; and

(5) Proposed test dates.

(b) Bear all the expenses of conducting the test conducted in accordance with § 67.10-20 including all expenses of the U.S. Government in sending a Coast Guard representative to the test.

### § 67.10-30 Withdrawal of approval.

The Coast Guard may withdraw approval of a fog signal if it fails to meet the requirements of § 67.10-1 (a), (b), and (c).

### § 67.10-35 Notice of approval and withdrawal of approval.

(a) The Coast Guard publishes a notice of the approval or withdrawal of approval of a fog signal in the Local Notice to Mariners.

(b) A listing of approved fog signals may be obtained from any District Commander.

### § 67.10-40 Fog signals authorized for use prior to January 1, 1973.

Any fog signal authorized for use by the Coast Guard and manufactured prior to January 1, 1973, is excepted from the requirements in this subpart, except §§ 67.10-1 (b) and (c), 67.10-5, and 67.10-10, if the fog signal has a minimum sound pressure level as specified in Table A of Subpart 67.10 of Title 33 of the Code of Federal Regulations in effect on December 31, 1972, for the range required by § 67.20-10, § 67.25-10, or § 67.30-10.

## Subpart 67.15—Miscellaneous Marking Requirements

### § 67.15-1 Lights and signals on attendant vessels.

The requirements prescribed by this part apply to structures. The barges, vessels, and other miscellaneous floating plants in attendance shall display lights and signals in accordance with the "Regulations for Preventing Collisions at Sea, 1960 (33 U.S.C. 1601-1094)," or the local rules established in accordance with Rule 30 thereof, as appropriate. However, when vessels are fixed to or submerged onto the seabed, they become structures as described in § 67.01-5.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

### § 67.15-5 Seismographic and surveying operations.

All stakes, casings, pipes, and buoys, except bamboo poles and wooden stakes less than 2 inches in diameter, [illegible] in the water to facilitate seismographic or surveying operations shall be marked, in the manner prescribed by the District Commander, for the safety of navigation.

### § 67.15 10 Spoil banks, artificial islands, and dredged channels.

(a) All submerged spoil banks, or artificial islands resulting from the dredging of private channels, laying of pipelines, or any other private operation, and all privately dredged channels which, in the judgment of the District Commander are required to be marked by aids to navigation, shall be marked by private aids to navigation conforming to the standard United States system of aids to navigation characteristics described in Subpart 62.25 of Part 62 of this subchapter.

(b) Applications for permits to establish and maintain private aids to navigation for the purpose indicated in this section shall be reviewed by the District Commander and forwarded to the Commandant, for final review and issuance of permits.

## Subpart 67.20—Class "A" Requirements

### § 67.20-1 Class "A" structures.

Class "A" structures shall be the structures erected in an area where Class "A" requirements must be met.

### § 67.20-5 Obstruction lights.

The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be of sufficient candlepower as to be visible at a distance of at least five nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05 1(f).

[CGFR 58 34 23 FR 7701, Oct. 4, 1958]

### § 67.20 10 Fog signal.

(a) The owner of a Class "A" structure shall—

(1) Install a fog signal that has a range of at least 2 miles; and.

(2) Operate the fog signal when the visibility in any direction is less than 5 miles.

(b) The District Commander may waive any requirements in paragraph (a) of this section if he finds that a structure is so close to other structures and so enveloped by the fog signals on other structures that it is not a hazard to navigation.

(Sec. 1, 70 Stat. 226, 14 U.S.C. 85)

[CGD 72 74R, 37 FR 13513, July 8, 1972]

## Subpart 67.25—Class "B" Requirements

### § 67.25-1 Class "B" structures.

Class "B" structures shall be the structures erected in an area where Class "B" requirements must be met.

### § 67.25-5 Obstruction lights.

(a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least three nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05-1(f), except that on Class "B" structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights otherwise specified in this section.

(b) The District Commander may waive the requirement for obstruction lights on Class "B" structures if there is no hazard to navigation by so doing.

[CGFR 58 34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 62 32, 27 FR 10101, Oct. 13, 1962]

### § 67.25-10 Fog signal.

(a) The owner of a Class "B" structure shall—

(1) Install a fog signal that has a range of at least one-half mile, except that the District Commander may—

(i) Prescribe a greater range, not to exceed 2 miles, under the provisions of paragraph (b) of this section; or

(ii) Exempt the structure from the requirements of this paragraph, under the provisions of paragraph (c) of this section;

(2) Operate the fog signal when the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility in any direction is less than 3 provisions of paragraph (b) or (c) of this section.

(b) The owner of a Class "B" structure shall install a fog signal with a greater range or operate it at times of greater visibility than required in paragraph (a) of this section if—

(1) The structure is erected on or adjacent to the edge of a—

(i) Navigable channel;

(ii) Fairway; or

(iii) Line of demarcation; and

(2) The District Commander decides a greater range or operation of the fog signal at times of greater visibility is necessary for the safety of marine commerce.

(c) The District Commander may waive or relax the provisions of paragraph (a) of this section, if he finds that a structure is—

(1) So close to other structures and so enveloped by the fog signals on other structures that it is not a hazard to navigation; or

(2) So located in a shoal area that it is not a hazard to navigation.

(Sec. 1, 70 Stat. 226, 14 U.S.C. 85)

[CGD 72-74R, 37 FR 13513, July 8, 1972]

## Subpart 67.30—Class "C" Requirements

### § 67.30-1 Class "C" structures.

Class "C" structures shall be the structures erected in an area where Class "C" requirements must be met.

### § 67.30-5 Obstruction lights.

(a) The obstruction lights shall be white or red lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least one nautical mile 90 percent of the nights of the year. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class "C" structure, the color thereof shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(b) When Class "C" structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction lights are so arranged that the particular structures are protected to the degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class "C" structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at the discretion of the District Commander: *Provided*, That the lights meet the requirements set forth in this part.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

### § 67.30-10 Fog signals.

(a) The owner of a Class "C" structure shall install a fog signal if—

(1) The structure is erected on or adjacent to the edge of a—

(i) Navigable channel;

(ii) Fairways; or

(iii) Line of demarcation; and

(2) The District Commander decides it is necessary for the safety of marine commerce.

(b) Fog signals required by paragraph (a) of this section must have range of at least one-half mile, unless the District Commander prescribes a greater range, not to exceed 2 miles.

(c) The owner of the structure shall operate the fog signal required by paragraph (a) of this section whenever the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles.

(d) Class "C" structures may have fog signals if—

(1) Authorized by the District Commander under the provisions of Subpart 66.01 of this subchapter; and

(2) The fog signal meets the requirements of § 67.10-1 (a) and (b).

(Sec. 1, 70 Stat. 226, 14 U.S.C. 85)

[CGD 72-74R, 37 FR 13513, July 8, 1972]

## Subpart 67.35—Applications

### § 67.35-1 Procedure.

(a) An application, on Coast Guard forms which will be provided by the District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change or discontinue, except as modified in this subpart.

(b) An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or fog signals if the structure is to remain in place six months or more. An application may be made by letter for each structure to be so equipped if the structure is to remain in place less than six months.

(c) One application form only shall be submitted to the District Commander to cover a group of unlighted buoys or daybeacons.

### § 67.35-5 Contents of application.

(a) All applicable items of the prescribed forms shall be completed. A brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart section. When Lambert coordinates are used to plot the position of the aid, the plat or chart shall be annotated to show latitude and longitude of the proposed aid to navigation, except when the position has been described by reference to one or more horizontal angles, or by the bearing and distance from a charted landmark.

(b) Each application shall have appended to it a list showing the type, model, name and address of the manufacturer of the lighting apparatus and fog signal equipment to be used.

(c) Each application shall always specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

### § 67.35-10 Private aids to navigation.

See § 67.15-10(b) for review of applications respecting private aids to navigation for spoil banks, artificial islands and dredged channels.

### § 67.35-15 To whom addressed.

The applications and correspondence dealing with private aids to navigation and obstruction lighting should be addressed to the District Commander having jurisdiction over the area.

## Subpart 67.40—Notification

### § 67.40-1 Notification to District Commander.

(a) *Class "A" structures.* In the case of structures to be located in areas where Class "A" requirements must be met, notification shall be given to the District Commander of the approximate date work will commence, as soon as known after a permit is received from the Corps of Engineers, U.S. Army, or 30 days in advance, if possible. The District Commander shall be notified by telegram the day the construction of the structure is commenced, informing him of the lights and fog signals to be used during construction. When construction has been completed, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or fog signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class "B" structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class "B" requirements must be met, in the same manner as prescribed in the case of Class "A" structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class "C" structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class "C" requirements must be met, upon completion of the structure.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962]

### § 67.40-5 Waivers.

(a) The District Commander is authorized to modify or waive any requirement prescribed in this part whenever, in his judgment, the safety of marine commerce will not be impaired by so doing.

(b) When the District Commander shall determine that changed circumstances in the case of a structure, whose obstruction lights and/or fog signal have been modified or waived, constitutes a hazard to marine navigation, he is authorized to revoke or revise his previous action and to require the structure to be appropriately marked by suitable obstruction lights and/or fog signals in accordance with this part.

### § 67.40-10 Communication with owner.

Communication with the owners of private aids to navigation by the District Commander shall be addressed to their usual or last known place of business, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

### § 67.40-15 Marking at owner's expense.

The District Commander may mark, for the protection of marine commerce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part and the owner shall reimburse the Coast Guard for all costs incurred.

### § 67.40-20 Charges invoiced to owner.

Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accordance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the District Commander that the structure has been removed, or until the owner has applied for and been issued a permit by the District Commander to establish and operate the required obstruction lights and/or fog signals or other markings required by this part.

### § 67.40-25 Penalty.

The penalty for violation is in section 1, 63 Stat. 501 (14 U.S.C. 85), or section 4(e)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued in this part or pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

## Subpart 67.50—District Regulations

### § 67.50-1 Scope.

The regulations in this subpart shall apply to the structures which are located within the boundaries of the Coast Guard districts hereinafter defined.

### § 67.50-5 First Coast Guard District.

(a) *Description.* See § 3.05-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

### § 67.50-10 Third Coast Guard District.

(a) *Description.* See § 3.15-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

### § 67.50-15 Fifth Coast Guard District.

(a) *Description.* See § 3.25-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

### § 67.50-20 Seventh Coast Guard District.

(a) *Description.* See § 3.35-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and the amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

### § 67.50-25 Eighth Coast Guard District.

(a) *Description.* See § 3.40-1 of this chapter.

(b) *Lines of demarcation.* The two lines of demarcation described in this section are for administrative purposes to distinguish between the areas in which structures shall be subject to Class "A", "B" or "C" requirements. The primary line of demarcation delimits the areas to the seaward of which Class "A" requirements are imposed. The secondary line of demarcation delimits the areas to the shoreward of which Class "C" requirements are imposed. In those areas where no secondary line of demarcation is prescribed, the structures shoreward of the primary line of demarcation are considered to be Class "C" structures. Class "B" requirements are imposed on the structures in the areas between the two lines of demarcation.

(1) The coordinates of the primary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point at Lat. 30 11'.3 N., Long. 88 03'.0 W., thence to:

(ii) A point at Lat. 30 11'.5 N., Long. 88 31'.7 W., thence to:

(iii) A point at Lat. 30 12'.7 N., Long. 88 58'.0 W., thence to:

(iv) A point due west of (iii) at Long. 89 00 W., thence to:

(v) A point at Lat. 30 08'.0 N., Long. 89 00 W., thence to:

(vi) A point at Lat. 30 04'.7 N., Long. 88 53'.7 W., thence via a line two miles to seaward around Chandeleur Island to:

(vii) A point at Lat. 29°34'.0 N., Long. 89°00' W., thence to:

(viii) A point at Lat. 29°15'.0 N., Long. 89°00' W., thence to:

(ix) A point at Lat. 29°14'.0 N., Long. 88°57'.7 W., thence to:

(x) A point at Lat. 29°10'.0 N., Long. 88°57'.0 W., thence to:

(xi) A point at Lat. 29°03'.6 N., Long. 89°02'.3 W., thence via the five fathom curve to:

(xii) A point at latitude 28°58'.1 N., longitude 89°09'.6 W., thence to:

(xiii) A point at latitude 28°57'.8 N., longitude 89°13'.6 W., thence to:

(xiv) A point at latitude 28°57'.8 N., longitude 89°19'.5 W., thence to:

(xv) A point at latitude 28°53'.8 N., longitude 89°25'.7 W., thence to:

(xvi) A point at latitude 28°52'.6 N., longitude 89°25'.9 W., thence via the 10 fathom curve to:

(xvii) A point at latitude 29°00' N., longitude 89°34'.0 W., thence to:

(xviii) A point at latitude 29°00' N., longitude 90°05'.0 W., thence to:

(xix) A point at latitude 28°46'.3 N., longitude 91°07'.5 W., thence to:

(xx) A point at latitude 29°11'.5 N., longitude 92°21'.0 W., thence to:

(xxi) A point at latitude 29°29'.0 N., longitude 92°32'.3 W., thence via the 5 fathom curve to:

(xxii) A point at latitude 29°41'.2 N., longitude 93°19'.9 W., thence to:

(xxiii) A point at latitude 29°38'.7 N., longitude 93°49'.4 W., thence to:

(xxiv) A point on the 5 fathom curve at latitude 29°35'.8 N., longitude 94°00' W., thence via the 5 fathom curve to:

(xxv) A point at latitude 29°26'.7 N., longitude 94°30'.0 W., thence to:

(xxvi) A point at latitude 28°55'.3 N., longitude 95°16'.3 W., thence to:

(xxvii) A point at latitude 28°54'.9 N., longitude 95°15'.6 W., thence to:

(xxviii) A point at latitude 28°19'.3 N., longitude 96°23'.3 W., thence to:

(xxix) A point at latitude 27°49'.5 N., longitude 97°01'.2 W., thence to:

(xxx) A point on the 10 fathom curve at latitude 27°30'.0 N., longitude 97°10'.0 W., thence via the 10 fathom curve to:

(xxxi) A point at latitude 27°00' N., longitude 97°17'.5 W., thence to:

(xxxii) A point at latitude 26°04'.1 N., longitude 97°08'.6 W.

**(2) The coordinates of the secondary line of demarcation within the jurisdiction of the District Commander are as follows:**

(i) Commencing at a point in Breton Sound at Lat. 29°34'.0 N., Long. 89°00'.0 W., thence to:

(ii) A point at Lat. 29°30'.0 N., Long. 89°10'.0 W., thence to:

(iii) A point at Lat. 29°20'.9 N., Long. 89°10'.0 W., thence to:

(iv) A point at Lat. 29°15'.3 N., Long. 89°04'.0 W., thence to:

(v) A point at Lat. 29°14'.1 N., Long. 88°59'.0 W., thence to:

(vi) A point at Lat. 29°08'.6 N., Long. 88°58'.3 W., thence to:

(vii) A point at Lat. 29°02'.1 N., Long. 89°06'.6 W., thence to:

(viii) A point at Lat. 28°58'.1 N., Long. 89°08'.4 W., thence to:

(ix) A point at Lat. 29°01'.1 N., Long. 89°16'.1 W., thence to:

(x) A point at Lat. 28°53'.7 N., Long. 89°26'.0 W., thence to:

(xi) A point at Lat. 28°54'.3 N., Long. 89°27'.5 W., thence to:

(xii) A point at Lat. 29°02'.2 N., Long. 89°24'.2 W., thence to:

(xiii) A point at Lat. 29°11'.8 N., Long. 89°30'.0 W., thence to:

(xiv) A point at Lat. 29°17'.9 N., Long. 89°46'.6 W., thence to:

(xv) A point at Lat. 29°17'.1 N., Long. 89°50'.8 W., thence to:

(xvi) A point at Lat. 29°14'.5 N., Long. 89°55'.1 W., thence to:

(xvii) A point at Lat. 29°10'.9 N., Long. 90°02'.9 W., thence to:

(xviii) A point at Lat. 29°05'.5 N., Long. 90°10'.0 W., thence to:

(xix) A point at Lat. 29°04'.5 N., Long. 90°12'.0 W., thence to:

(xx) A point at Lat. 29°02'.0 N., Long. 90°20'.8 W., thence to:

(xxi) A point at Lat. 29°01'.9 N., Long. 90°24'.9 W., thence to:

(xxii) A point at Lat. 29°03'.6 N., Long. 90°32'.8 W., thence to:

(xxiii) A point at Lat. 29°01'.9 N., Long. 90°41'.7 W., thence to:

(xxiv) A point at Lat. 29°00'.8 N., Long. 90°50'.0 W., thence to:

(xxv) A point at Lat. 29°02'.4 N., Long. 91°01'.5 W., thence to:

(xxvi) A point at Lat. 29°28'.5 N., Long. 92°10'.1 W., thence to:

(xxvii) A point at Lat. 29°31'.1 N., Long. 92°21'.8 W., thence to:

(xxviii) A point at Lat. 29°34'.1 N., Long. 92°39'.3 W., thence to:

(xxix) A point at Lat. 29°41'.1 N., Long. 92°57'.2 W., thence to:

(xxx) A point at Lat. 29°44'.6 N., Long. 93°07'.9 W., thence to:

(xxxi) A point at Lat. 29°45'.6 N., Long. 93°13'.7 W., thence to:

(xxxii) A point at Lat. 29°45'.6 N., Long. 93°17'.3 W., thence to:

(xxxiii) A point at Lat. 29°44'.3 N., Long. 93°21'.0 W., thence to:

(xxxiv) A point at Lat. 29°45'.3 N., Long. 93°30'.0 W., thence to:

(xxxv) A point at Lat. 29 43.3 N., Long. 93 43.7 W., thence to.

(xxxvi) A point at Lat. 29 41.0 N., Long. 93 48.8 W., thence to:

(xxxvii) A point at Lat. 29 38.8 N., Long. 93 50.8 W., thence to.

(xxxviii) A point at Lat. 29 40.0 N., Long. 93 57.3 W., thence to:

(xxxix) A point at Lat. 29 39.3 N., Long. 94 05.0 W., thence to:

(xl) A point at Lat. 29 27.0 N., Long. 94 37.0 W., thence to:

(xli) A point at Lat. 29 23.1 N., Long. 94 42.6 W., thence to:

(xlii) A point at Lat. 29 20.4 N., Long. 94 41.5 W., thence to:

(xliii) A point at Lat. 29 06.6 N., Long. 95 04.4 W., thence to

(xliv) A point at Lat. 29 04.6 N., Long. 95 05.7 W., thence to

(xlv) A point at Lat. 29 02.0 N., Long. 95 10.0 W., thence to:

(xlvi) A point at Lat. 28 57.3 N., Long. 95 16.2 W., thence to:

(xlvii) A point at Lat. 28 55.3 N., Long. 95 17.9 W., thence to:

(xlviii) A point at Lat. 28 39.5 N., Long. 95 48.4 W., thence to:

(xlix) A point at Lat. 28 32.1 N., Long. 96 06.9 W., thence to:

(l) A point at Lat. 28 26.4 N., Long. 96 17.8 W., thence to:

(li) A point at Lat. 28 23.6 N., Long. 96 21.5 W., thence to:

(lii) A point at Lat. 28 19.7 N., Long. 96 23.3 W., thence to:

(liii) A point at Lat. 28 19.3 N., Long. 96 25.2 W., thence to:

(liv) A point at Lat. 28 14.8 N., Long. 96 35.0 W., thence to:

(lv) A point at Lat. 28 09.1 N., Long. 96 43.8 W., thence to:

(lvi) A point at Lat. 28 02.4 N., Long. 96 52.2 W., thence to:

(lvii) A point at Lat. 27 56.2 N., Long. 96 58.3 W., thence to:

(lviii) A point at Lat. 27 52.8 N., Long. 97 01.1 W., thence to:

(lix) A point at Lat. 27 49.3 N., Long. 97 03.0 W., thence to:

(lx) A point at Lat. 27 46.4 N., Long. 97 05.6 W., thence to:

(lxi) A point at Lat. 27 38.9 N., Long. 97 10.6 W., thence to:

(lxii) A point at Lat. 27 28.3 N., Long. 97 16.2 W., thence to:

(lxiii) A point at Lat. 27 21.9 N., Long. 97 18.9 W., thence to:

(lxiv) A point at Lat. 27 13.7 N., Long. 97 21.2 W., thence to:

(lxv) A point at Lat. 27 05.4 N., Long. 97 22.3 W., thence to.

(lxvi) A point at Lat. 26 57.1 N., Long. 97 22.2 W., thence to:

(lxvii) A point at Lat. 26 48.9 N., Long. 97 20.9 W., thence to:

(lxviii) A point at Lat. 26 39.1 N., Long. 97 18.1 W., thence to:

(lxix) A point at Lat. 26 28.8 N., Long. 07 14.3 W., thence to:

(lxx) A point at Lat. 26 18.3 N., Long. 97 11.3 W., thence to:

(lxxi) A point at Lat. 26 11.7 N., Long. 97 10.2 W., thence to:

(lxxii) A point at Lat. 26 04.8 N., Long. 97 09.3 W., thence to:

(lxxiii) A point at Lat. 26 04.2 N., Long. 97 08.8 W., thence to:

(lxxiv) A point at Lat. 25 58.3 N., Long. 97 08.3 W.

(c) *Seismographic and surveying operations.* (1) All stakes and casings (pipes), except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water during seismographic or surveying operations shall be marked with flags during the daylight hours. Those casings remaining in place during the hours of darkness shall be marked by a red light as prescribed in Subpart 67.30 of this part.

(2) All buoys used during seismographic operations shall be painted with international orange and white horizontal bands. The buoys shall be of light construction in order that they will not present a hazard to marine commerce.

(d) *Spoil marking.* (1) All submerged spoil resulting from the dredging of channels, laying of pipelines, or any other operation, which constitutes an obstruction to navigation, shall be properly marked. The spoil banks should be examined at frequent intervals in order that the changing conditions may be kept under control. As markers are no longer required due to settling of banks, the Coast Guard will authorize their removal upon application.

(2) All openings in such submerged spoil shall be marked by daybeacons on each side of the openings. When spoil is located on each side of a channel or pipe line, each bank will be considered separately. The daybeacons shall be equipped with arrows designating the safe water through the opening. These daybeacons may also be used as channel markers for the dredged channels providing they are also equipped with arrows designating the spoil bank openings.

(3) When spoil banks constituting an obstruction to navigation abut an established traveled waterway, the outboard spoil bank markers shall be equipped with quick flashing lights described in Subpart 67.30 of this part, except that the color shall be in accordance with the provisions of Subpart 62.25 of Part 62 of this subchapter.

(e) *Applications.* All private aids to navigation applications and all correspondence dealing with private aids to navigation and obstruction lighting shall be addressed to Commander, Eighth Coast Guard District, 328 Custom House Building, New Orleans, Louisiana, 70130 marked for the attention of the Chief, Aids to Navigation Section.

(f) *Enclosures.* Applicants shall append on a separate sheet with each application, the description, including manufacturer, of obstruction lights and fog signals.

(g) *Corps of Engineers correspondence.* A copy of all correspondence directed to the District Engineer, Corps of Engineers, U.S. Army, in accordance with condition (i) of the Department of the Army permit, shall be forwarded to the District Commander for those operations conducted under permits authorizing the erection of structures in areas in which Class "A", Class "B", or Class "C" requirements must be met.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961; CGFR 65-34, 30 FR 9485, July 29, 1965; CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

### § 67.50-30 Ninth Coast Guard District.

(a) *Description.* See § 3.45-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

### § 67.50-35 Eleventh Coast Guard District.

(a) *Description.* See § 3.55-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

### § 67.50-40 Twelfth Coast Guard District.

(a) *Description.* See § 3.60-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

**§ 67.50-45 Thirteenth Coast Guard District.**

(a) *Description.* See § 3.65-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 62-25, 27 FR 8733, Aug. 31, 1962]

**§ 67.50-50 Seventeenth Coast Guard District.**

(a) *Description.* See § 3.85-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

# PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

### Subpart 70.01—Interference With Aids to Navigation

Sec.
70.01-1 General provisions.
70.01-5 Penalty.

### Subpart 70.05—Collision With or Damage to Aids to Navigation

Sec.
70.05-1 General provisions.
70.05-5 Penalty.
70.05-10 Revocation of license.
70.05-15 Liability for damages.
70.05-20 Report required.

Authority: Secs. 14, 16, 30 Stat. 1152, 1153, secs. 84, 86, 92, 633, 642, 63 Stat. 500, 501, 503, 545, 547; 33 U.S.C. 408, 411, 412, 14 U.S.C. 84, 86, 92, 633, 642, unless otherwise noted.

## Subpart 70.01—Interference With Aids to Navigation

**§ 70.01-1 General provisions.**

No person, excluding the Armed Forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with Part 64, 66, 67, or 68 of this subchapter.

[CGFR 58-17, 23 FR 3383, May 20, 1958]

**§ 70.01-5 Penalty.**

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $500 for each offense, and each day during which such violation shall continue shall be considered a new offense.

[CGFR 52-15, 18 FR 12, Jan. 1, 1953]

## Subpart 70.05—Collision With or Damage to Aids to Navigation

Source: CGFR 52-15, 18 FR 12, Jan. 1, 1953, unless otherwise noted.

**§ 70.05-1 General provisions.**

No person shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States.

**§ 70.05-5 Penalty.**

Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of § 70.05-1 shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500 or less than $500, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or both, one half of such fine to be paid to the person or persons giving information which shall lead to conviction.

### § 70.05-10 Revocation of license.

Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any boat or vessel who shall willfully injure or destroy an aid to navigation established and maintained by the United States shall be deemed guilty of violating the provisions of § 70.05-1 and shall upon conviction be punished as provided in § 70.05-5 and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

### § 70.05-15 Liability for damages.

Any boat, vessel, scow, raft or other craft used or employed in violating any of the provisions of § 70.05-1 shall be liable for the pecuniary penalties specified in § 70.05-5, and in addition thereto for the amount of damage done by said boat, vessel, scow, raft or other craft, which may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

### § 70.05-20 Report required.

Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Part 64, 66, 67, or 68 of this subchapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 136.05.

(R.S. 4450, as amended, sec. 4, 67 Stat. 462; 46 U.S.C. 239, 43 U.S.C. 1333)

[CGFR 58-17, 23 FR 3383, May 20, 1958, as amended by CGFR 61-55, 26 FR 12572, Dec. 28, 1961]

# PART 72—MARINE INFORMATION

### Subpart 72.01—Notices to Mariners

Sec.

72.01-1 Purpose.
72.01-5 Local Notice to Mariners.
72.01-10 Notice to Mariners.
72.01-15 Notice to Mariners Relating to the Great Lakes and Tributary Waters West of Montreal.
72.01-20 [Reserved]
72.01-25 Marine Broadcast Notice to Mariners.
72.01-30 Temporary deficiencies.
72.01-35 Change of address.
72.01-40 Single copies.

### Subpart 72.05—Light Lists

72.05-1 Purpose.
72.05-5 Sales agencies.
72.05-10 Free distribution.

AUTHORITY: Sections 92, 93, and 633, 63 Stat. 495, 503, 504, 545, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 92, 93, 633, 49 U.S.C. 1655(b)(1); 49 CFR 1.46, unless otherwise noted.

## Subpart 72.01—Notices to Mariners

### § 72.01-1 Purpose.

The Coast Guard issues information concerning the establishment of aids to maritime navigation and the changes, discontinuances, and deficiencies, except temporary deficiencies that are easily correctable, of aids to maritime navigation maintained and operated by or under the authority of the Coast Guard in documents and marine broadcasts having the general title of "Notice to Mariners." This subpart describes the publications and the marine broadcasts.

[CGD 70-147R, 37 FR 10669, May 26, 1972]

### § 72.01-5 Local Notice to Mariners.

(a) "Local Notice to Mariners" reports changes to and deficiencies in aids to navigation that are established or maintained and operated by or under the authority of the Coast Guard, and any other information pertaining to the waterways within each Coast Guard district that is of interest to the mariner.

(b) "Local Notice to Mariners" is published and issued weekly by each Coast Guard district or more often if there is a need to notify mariners of local waterway information.

(c) Any person may apply to the local Coast Guard District Office to be placed on the mailing list for the "Local Notice to Mariners." The "Local Notice to Mariners" is mailed to the public free of charge.

[CGD 70-147R, 37 FR 10669, May 26, 1972]

### § 72.01-10 Notice to Mariners.

(a) "Notice to Mariners" is intended to advise mariners of new hydrographic discoveries, changes in channels and navigational aids, and information concerning the safety of navigation. "Notice to Mariners" also contains information—

(1) Useful in updating the latest editions of charts and publications of the Defense Mapping Agency Hydrographic Center, National Ocean Survey, and Coast Guard;

(2) Selected from the "Local Notice to Mariners" issued and published by the 1st, 3d, 5th, 7th, 8th, 11th, 12th, 13th, 14th, and 17th Coast Guard Districts; and

(3) Compiled from foreign notices to mariners, ship reports, and similar cooperating observer reports.

(b) "Notice to Mariners" is published weekly by the Defense Mapping Agency Hydrographic Center. The "Notice to Mariners" is prepared by the—

(1) Coast Guard;

(2) National Ocean Survey; and

(3) Defense Mapping Agency Hydrographic Center.

(c) This notice may be obtained free of charge, upon request to the Director, Defense Mapping Agency Hydrographic Center, Washington, D.C. 20390. Request should be based on an affirmative need for the information.

[CGD 70-147R, 37 FR 10669, May 26, 1972, as amended by CGD 72-185R, 37 FR 20693, Oct. 3, 1972]

### § 72.01-15 Notice to Mariners Relating to the Great Lakes and Tributary Waters West of Montreal.

(a) "Notice to Mariners Relating to the Great Lakes and Tributary Waters West of Montreal" contains information on changes in aids to navigation and similar information concerning the safety of navigation of vessels on the waters of the Great Lakes and its tributaries west of Montreal. The information contained in "Notice to Mariners Relating to the Great Lakes and Tributary Waters West of Montreal" concerns changes of a permanent nature to be used in correcting a chart, Light List, Great Lakes Pilot, or publication containing similar information.

(b) "Notice to Mariners Relating to the Great Lakes and Tributary Waters West of Montreal" is published and issued weekly by the 9th Coast Guard District.

(c) Any person may apply to the Commander, 9th Coast Guard District, Cleveland, Ohio, 44199, to be placed on the mailing list for the "Notice to Mariners Relating to the Great Lakes and Tributary Waters West of Montreal." The "Notice to Mariners Relating to the Great Lakes and Tributary Waters West of Montreal" is mailed to the public free of charge.

[CGD 70-147R, 37 FR 10669, May 26, 1972]

### § 72.01-20 [Reserved]

### § 72.01-25 Marine Broadcast Notice to Mariners.

The Coast Guard broadcasts notices to mariners on its own or U.S. Navy radio stations to report navigational warnings containing information of importance to the safety of the navigation of vessels, such as the position of ice and derelicts, defects, and changes to aids to navigation, and drifting mines. Radio stations broadcasting marine information are listed in "Radio Navigational Aids" (Defense Mapping Agency Hydrographic Center publications N.O. 117A and N.O. 117B). Any person may purchase "Radio Navigational Aids" from—

(a) Any authorized agent for the sale of Defense Mapping Agency Hydrographic Center charts and publications whose names and addresses are contained in the Defense Mapping Agency Hydrographic Center Catalog of Nautical Charts N.O. Pub. No. 1-N-A.

(b) The Defense Mapping Agency Hydrographic Center Depots or Offices whose names and addresses are published in Notice to Mariners N.O. 1 each year.

(c) The Defense Mapping Agency Hydrographic Center, Washington, D.C. 20390.

[CGD 70 147R. 37 FR 10670. May 26. 1972. as amended by CGD 72 185R. 37 FR 20693. Oct. 3. 1972]

### § 72.01-30 Temporary deficiencies.

Temporary deficiencies in aids to navigation are not published in Notices to Mariners when it is known that the defects will be corrected promptly.

[CGFR 52 15. 18 FR 13. Jan. 1. 1953]

### § 72.01-35 Change of address.

Persons receiving Notices to Mariners are requested to notify the appropriate agency of any change in address, giving both old and new addresses, or when Notices to Mariners are no longer required.

[CGFR 52 15. 18 FR 13. Jan. 1. 1953]

### § 72.01-40 Single copies.

Single copies of the "Notice to Mariners" described in § 72.01-10 may be obtained or consulted at—

(a) Coast Guard District Commanders' Offices;

(b) National Ocean Survey District Field Offices;

(c) Defense Mapping Agency Hydrographic Center; and

(d) Custom Houses.

[CGD 70 147R. 37 FR 10670. May 26. 1972. as amended by CGD 72 185R. 37 FR 20693. Oct. 3. 1972]

## Subpart 72.05—Light Lists

### § 72.05-1 Purpose.

(a) The Coast Guard publishes annually the following five Light Lists covering the waters of the United States, its territories and possessions:

(1) Volume I. Atlantic Coast, from St. Croix River, Maine to Little River, South Carolina.

(2) Volume II. Atlantic and Gulf Coasts, from Little River, South Carolina, to Rio Grande River, Texas, and the Greater Antilles.

(3) Volume III. Pacific Coast and Islands.

(4) Volume IV. Great Lakes.

(5) Volume V. Mississippi River System.

(b) These Light Lists show the official name, location, characteristics and general description of all aids to navigation maintained by or under authority of the U.S. Coast Guard.

[CGFR 60 63. 25 FR 8949. Sept. 17. 1960. as amended by CGFR 63 48. 28 FR 10379. Sept. 25. 1963]

### § 72.05-5 Sales agencies.

Each volume of the "Light List" is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and through sales agents whose names are published in issue No. 13 of "Notice to Mariners" described in § 72.01-10. Notification of publication of a new edition of the "Light List" is published in the "Notice to Mariners" for the particular area that is covered as soon as the edition is available for distribution.

[CGD 70 147R. 37 FR 10670. May 26. 1972]

### § 72.05-10 Free distribution.

Official copies are distributed free of charge to Federal, State, and foreign governments, municipalities, libraries and other public institutions.

(R.S. 501, as amended, sec. 5, 38 Stat. 75; 44 U.S.C. 82, 84)

[CGFR 51 15. 18 FR 13. Jan. 1. 1953]

## PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

### Subpart 74.01—Charges to the Public

Sec.

74.01-1 Claim for damage, destruction, or displacement.

74.01-10 Charges invoiced to owner for marking sunken wrecks.

74.01-15 Charges for placement of temporary aids.

74.01-20 Deposit of payment in special account.

### Subpart 74.05—Charges to Armed Forces

74.05-1 Armed Forces.

74.05-5 Danger, restricted, and prohibited areas.

### Subpart 74.10—[Reserved]

### Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces

Sec.
74.15-1 Charges.

### Subpart 74.20—Aids to Navigation Costs

74.20-1 Buoy and vessel use costs.

AUTHORITY: Secs. 86, 92, 633, 642, 63 Stat. 501, 503, 545, 547; 14 U.S.C. 86, 92, 633, 642.

SOURCE: CGFR 58-50, 24 FR 5608, July 11, 1959, unless otherwise noted.

## Subpart 74.01—Charges to the Public

### § 74.01-1 Claim for damage, destruction, or displacement.

Whenever an aid to navigation is damaged, destroyed, or displaced from its station, a claim shall be made on behalf of the United States in accordance with Part 25 of this title.

[CGFR 70-7, 35 FR 4048, Mar. 4, 1970]

### § 74.01-10 Charges invoiced to owner for marking sunken wrecks.

(a) Charges for the establishment and maintenance by the Coast Guard of an aid or aids to mark a sunken wreck shall be determined in accordance with Subpart 74.20 of this part and invoiced to the owner. Charges for the removal of any aids to navigation established by the Coast Guard shall be invoiced to the owner unless the District Engineer requests the continued marking of the sunken wreck.

(b) Charges shall be made for the cost or value of time consumed by the Government vessel, including ship's complement, employed by reason of and directly attributed to the placing of the wreck marking. In the performance of this work no charge shall be made for the time and expense of Coast Guard vessels, including ship's complement, when the aid can be or is placed on station by the vessel on routine scheduled duty where only minimum interruption of that assignment occurs. If such vessel time is charged, it will be charged in accordance with the type of aid involved as set forth in Subpart 74.20 of this part.

(c) All charges so invoiced to the owner shall, upon collection, be deposited to miscellaneous receipts.

### § 74.01-15 Charges for placement of temporary aids.

Charges for placement of temporary aids will be reimbursable and in accordance with Subpart 74.20 of this part. Where the placement of temporary aids other than those specified is made, a reasonable equivalence will be determined, and charges made accordingly.

### § 74.01-20 Deposit of payment in special account.

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property. The Coast Guard will accept and deposit such payment in a special account in the Treasury for payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded.

## Subpart 74.05—Charges to Armed Forces

### § 74.05-1 Armed Forces.

(a) When requests by the Armed Forces for establishment of aids to navigation requiring expenditure of considerable funds are not received in sufficient time to permit the Coast Guard to budget for the necessary funds, aid establishment may be delayed until funds are available. When the Coast Guard is unable, with its own funds, to establish aids to navigation as soon as the requesting Armed Force desires, earlier action by the Coast Guard will depend upon the Armed Force's ability to make the necessary funds available.

(b) Requests not requiring the expenditure of considerable funds are normally accomplished at Coast Guard expense.

(c) The Coast Guard does not charge the Armed Forces for vessel time or other costs incurred in maintaining aids to navigation.

[CGD 73-101R, 38 FR 33472, Dec. 5, 1973]

**§ 74.05-5 Danger, restricted, and prohibited areas.**

Danger, restricted, and prohibited areas described in § 62.01-25 of this chapter are marked at Coast Guard expense.

[CGD 73-101R, 38 FR 33472, Dec. 5, 1973]

## Subpart 74.10—[Reserved]

## Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces

**§ 74.15-1 Charges.**

(a) The charges for establishing and maintaining an aid to navigation that is for the primary benefit of a Federal agency other than the Armed Forces under the provisions of § 62.01-10(b) of this subchapter are as follows:

(1) For establishing a permanent aid, the actual cost of construction;

(2) For maintaining a permanent aid, including servicing time, the charges determined under Subpart 74.20 of this part; and

(3) For both establishing and maintaining temporary aids, the charges determined under Subpart 74.20 of this part.

(b) The Commandant may waive or reduce any of the charges in paragraph (a) of this section.

[CGFR 71-8, 36 FR 9021, May 18, 1971]

## Subpart 74.20—Aids to Navigation Costs

**§ 74.20-1 Buoy and vessel use costs.**

(a) The cost to establish, maintain, repair, replace, or remove an aid to navigation under the requirements of this part includes the buoy costs in Table 1 and the vessel use costs in Table 2, as appropriate.

(b) The number of hours used to establish, maintain, repair, replace, or remove an aid to navigation under the requirements of this part is computed under the procedure in § 74.01-10(b).

TABLE 1—BUOY COSTS [1]

| Buoy type | Preparation [2] | Servicing [3] | Accessory [4] | | |
|---|---|---|---|---|---|
| | | | Bell | Gong | Whistle |
| 9 ft lighted | $1,075 | $89 | $12 | $13 | $10 |
| 9 ft unlighted sound | 688 | 44 | (5) | (5) | (5) |
| 8 ft lighted | 869 | 63 | 7 | 8 | 11 |
| 7 ft lighted | 730 | 51 | (5) | (5) | (5) |
| 6 ft lighted | 689 | 47 | 5 | (5) | (5) |
| 5 ft lighted | 382 | 36 | (5) | (5) | (5) |
| 3½ ft lighted | 203 | 34 | (5) | (5) | (5) |
| Can or nun | | | | | |
| 1st class | 406 | 29 | (5) | (5) | (5) |
| 2d class | 235 | 17 | (5) | (5) | (5) |
| 3d class | 146 | 13 | (5) | (5) | (5) |
| 4th class | 112 | 21 | (5) | (5) | (5) |
| 5th class | 72 | 8 | (5) | (5) | (5) |
| 6th class | 51 | 8 | (5) | (5) | (5) |
| Lighting equipment only | 22 | 8 | (5) | (5) | (5) |
| Batteries | | | | | |
| 1000 A-H | 120 | 8 | (5) | (5) | (5) |
| 3000 A-H | 310 | 21 | (5) | (5) | (5) |
| Dry pack | 20 | 30 | (5) | (5) | (5) |

[1] Charges for buoys not included in this table are based on average cost incurred as determined by the Coast Guard district that has responsibility for the aid.

[2] Includes preparing, adapting, and placing a replacement aid, and preparing, adapting, placing, retrieving, and overhauling after retrieving a temporary aid, but, does not include vessel use costs (see table 2 of this subpart). Lighting equipment and batteries (1000 A-H) are included in costs listed for lighted buoys.

[3] Based on monthly use. A month is 16 or more days of use.

[4] Added costs, if assembled on the buoy.

[5] Not available.

TABLE 2 VESSEL OR BOAT USE COSTS PER HOUR (In dollars)

| Vessel or boat class | *Total cost per hour* |
|---|---|
| WLB—Seagoing Buoy Tender | 325 |
| WLM—Coastal Buoy Tender | 194 |
| WLI—Inland Buoy Tender | 92 |
| WLIC—Inland Construction Buoy Tender | 66 |
| WLR—River Buoy Tender | 90 |
| MLB—Motor Lifeboat | 51 |
| UTL—Large Utility Boat | 40 |
| BU/BUSL—Buoy Boat or Buoy Boat Stern Loading | 24 |
| ANB—Aids to Navigation Boat | 51 |
| TANB—Trailerable Aids to Navigation Boat | 33 |
| TIWAN—Trailerable Intracoastal Waterways Aids to Navigation Boat | 22 |

Charges for vessels not included in this table are based on average costs incurred for the operation of those vessels as determined by the Coast Guard district that has responsibility for the vessel.

Includes personnel, fuel, and maintenance cost.

[CGD 76-071, 41 FR 49809, Nov. 11, 1976]

# PART 76—SALE AND TRANSFER OF AIDS TO NAVIGATION EQUIPMENT

### Subpart 76.01—Sale of Equipment

Sec.
76.01-1 Sale of equipment not readily procurable.
76.01-5 Sale of condemned equipment.

### Subpart 76.10—Federal Agencies

76.10-1 Exemption.

AUTHORITY: Sec. 92, 63 Stat. 503, sec. 641, 63 Stat. 547, as amended; 14 U.S.C. 92, 641.

SOURCE: CGFR 52-15, 18 FR 14, Jan. 1, 1953, unless otherwise noted.

## Subpart 76.01—Sale of Equipment

### § 76.01-1 Sale of equipment not readily procurable.

The Commandant is authorized to sell aids to navigation apparatus or equipment to foreign, state, or municipal governments or departments thereof; parties required to maintain private aids to navigation to mark wrecks, piers, or other obstructions; contractors engaged on public works; and in other cases in which in the judgment of the Commandant the public interest may be served: *Provided*, (a) Such equipment has not been reported by the Coast Guard to the General Services Administration as excess (if the equipment has been reported to the General Services Administration as excess, the Commandant will submit the request to that administration of further action); and (b), such equipment is not readily procurable in the open market. Requests to purchase such apparatus or equipment shall give sufficient reasons why the article or articles cannot be readily procured in the open market. If the Commandant considers that an article can be readily procured in the open market the prospective purchaser will be so informed, and given the names of dealers or manufacturers. Sales shall be invoiced at cost plus 25 percent for overhead. Proceeds of such sales shall be deposited in the Treasury to the credit of the current appropriation for operating expenses, Coast Guard.

### § 76.01-5 Sale of condemned equipment.

When any condemned supplies, materials, or equipment cannot be profitably used in work of the Coast Guard, they will be disposed of under appropriate regulations of the General Services Administration. Applications for purchase of such materials may be submitted to the Commandant who will process them for further action under the applicable regulations.

## Subpart 76.10—Federal Agencies

### § 76.10-1 Exemption.

Nothing in this part shall be construed to affect the regulations concerning the transfer of supplies, materials, equipment, or land between other federal agencies.

# SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

## PART 80—PILOT RULES FOR INLAND WATERS

### GENERAL

Sec.

80.01 General instructions.
80.02 Definition of steam vessel and vessel under way; risk of collision.
80.03 Signals.
80.04 Demarcation lines between "Rules of the Road—Inland Waters" and "Rules of the Road—Western Rivers."
80.1 Danger signal.
80.2 Cross signals.
80.3 Vessels passing each other.

### SITUATIONS

80.4 Vessels approaching each other head and head, end on.
80.5 Vessels nearing bend or curve in channel, moving from docks.
80.6 Vessels running in same direction; overtaking vessel.
80.7 Vessels approaching each other at right angles or obliquely.
80.8 Meeting of steam and sailing vessels; right of way.
80.9 Avoidance of crossing ahead.
80.10 Keeping to right in narrow channels.
80.11 Departure from rules.
80.12 Fog signals.
80.13 Speed in fog; pamphlet containing Pilot Rules; diagrams.

### LIGHTS FOR CERTAIN CLASSES OF VESSELS

80.14 Lights; time for.
80.15 Ferryboats.
80.16 Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Atlantic and Pacific Coasts.
80.16a Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway.
80.16b Lights for barges, canal boats, scows, and other nondescript vessels temporarily operating on waters requiring different lights.
80.17 Lights for barges and canal boats in tow of steam vessels on the Hudson River and adjacent waters and Lake Champlain.

### LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES OF ALL TYPES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

Sec.

80.18 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.
80.19 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.
80.20 Dredges held in stationary position by moorings or spuds.
80.21 Dredges under way and engaged in dredging operations.
80.22 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.
80.23 Lights to be displayed on pipelines attached to dredges.
80.23a Lights to be displayed on pipelines disengaged from dredges.
80.24 Lights generally.
80.25 Vessels moored or at anchor.

### PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

80.26 Passing signals.
80.27 Speed of vessels passing floating plant working in channels.
80.28 Light-draft vessels passing floating plant.
80.29 Aids to navigation marking floating-plant moorings.
80.30 Obstruction of channel by floating plant.
80.31 Clearing of channels.
80.31a Protection of marks placed for the guidance of floating plant.

### LIGHTS FOR RAFTS AND OTHER CRAFT NOT PROVIDED FOR

80.32 Lights for rafts and other craft.

### SPECIAL DAY OR NIGHT SIGNALS

80.32a Day marks for fishing vessels with gear out.
80.33 Special signals for vessels employed in hydrographic surveying.
80.33a Warning signals for Coast Guard vessels while handling or servicing aids to navigation.

### MISCELLANEOUS

Sec.
80.34 Rule relating to the use of searchlights or other blinding lights.
80.35 Rule prohibiting unnecessary sounding of the whistle.
80.36 Rule prohibiting the carrying of unauthorized lights on vessels.
80.37 Distress signals.
80.38 Warning signal displayed while transferring dangerous cargoes.
80.40 Exceptions to the statutory and regulatory requirements for lights, day signals, or other navigational means and appliances when operating under bridges.
80.45 Distinctive blue light authorized for use by law enforcement vessels.

AUTHORITY: Sec. 2, 30 Stat. 102, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 157, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), unless otherwise noted.

### GENERAL

SOURCE: Sections 80.01 to 80.3, contained in Pilot rules for certain inland waters of the Atlantic and Pacific Coasts, Mar. 16, 1938, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

### § 80.01 General instructions.

The regulations in this part apply to vessels navigating the harbors, rivers, and inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

[CGFR 54-54, 19 FR 8038, Dec. 7, 1954]

### § 80.02 Definition of steam vessel and vessel under way; risk of collision.

In the rules in this part the words "steam vessel" shall include any vessel propelled by machinery. A vessel is under way, within the meaning of the rules in this part, when she is not at anchor, or made fast to the shore, or aground. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

### § 80.03 Signals.

(a) The whistle signals provided in the rules in this part shall be sounded on an efficient whistle or siren sounded by steam or by some substitute for steam.

(1) A short blast of the whistle shall mean a blast of about one second's duration.

(2) A prolonged blast of the whistle shall mean a blast of from 4 to 6 seconds' duration.

(3) One short blast of the whistle signifies intention to direct course to own starboard, except when two steam vessels are approaching each other at right angles or obliquely, when it signifies intention of steam vessel which is to starboard of the other to hold course and speed.

(4) Two short blasts of the whistle signify intention to direct course to own port.

(5) Three short blasts of the whistle shall mean, "My engines are going at full speed astern."

(b) When vessels are in sight of one another a steam vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle.

[Pilot rules for certain inland waters of the Atlantic and Pacific Coasts, Mar. 16, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 64-14, 30 FR 6433, May 8, 1965]

### § 80.04 Demarcation lines between "Rules of the Road—Inland Waters" and "Rules of the Road—Western Rivers."

The demarcation lines between the "Rules of the Road—Inland Waters" and the "Rules of the Road—Western Rivers" are as follows:

(a) At the juncture of the Atchafalaya River and Port Allen to Morgan City Alternate Waterway, a line drawn through the light structure at mile 2.25 Morgan City-Port Allen Alternate Route perpendicular to the mainstream of the river.

(b) At the juncture of the Port Allen-Morgan City Alternate Waterway and Port Allen-Morgan City Landside Route, a line drawn across the Landside Route following the contour of the East Bank of the Morgan City-Port Allen Alternate Route.

(5 U.S.C. 552, 14 U.S.C. 633; Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGD 76 129, 44 FR 22456, Apr. 16, 1979]

### § 80.1 Danger signal.

If, when steam vessels are approaching each other, either vessel fails to understand the course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of the steam whistle, the danger signal.

### § 80.2 Cross signals.

Steam vessels are forbidden to use what has become technically known among pilots as "cross signals", that is, answering one whistle with two, and answering two whistles with one.

### § 80.3 Vessels passing each other.

(a) The signals for passing, by the blowing of the whistle, shall be given and answered by pilots, in compliance with the rules in this part, not only when meeting "head and head", or nearly so, but at all times when the steam vessels are in sight of each other, when passing or meeting at a distance within half a mile of each other, and whether passing to the starboard or port.

(b) The whistle signals provided in the rules in this part for steam vessels meeting, passing, or overtaking are never to be used except when steam vessels are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights. In fog, mist, falling snow, or heavy rainstorms, when vessels can not so see each other, fog signals only must be given.

## SITUATIONS

SOURCE: Sections 80.4 to 80.13 contained in Pilot rules for certain inland waters of the Atlantic and Pacific Coasts, Mar. 16, 1938, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

### § 80.4 Vessels approaching each other head and head, end on.

(a) When steam vessels are approaching each other head and head, that is, end on, or nearly so, it shall be the duty of each to pass on the port side of the other, and either vessel shall give, as a signal of her intention one short and distinct blast of her whistle, which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other. But if the courses of such vessels are so far on the starboard of each other as not to be considered as meeting head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other.

(b) The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own, and by night to cases in which each vessel is in such a position as to see both the side lights of the other.

(c) It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

### § 80.5 Vessels nearing bend or curve in channel; moving from docks.

(a) Whenever a steam vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction can not be seen for a distance of half a mile, such steam vessel, when she shall have arrived within half a mile of such curve or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly.

(b) When steam vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they shall be governed by the steering and sailing rules.

### § 80.6 Vessels running in same direction; overtaking vessel.

(a) When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall direct her course to starboard; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall direct her course to port; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached a point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the passing vessel.

(b) Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of the rules in this part, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

### § 80.7 Vessels approaching each other at right angles or obliquely.

(a) When two steam vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one steam vessel is overtaking another, the steam vessel which has the other on her own port side shall hold her course and speed; and the steam vessel which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other steam vessel, or, if necessary to do so, slacken her speed or stop or reverse.

(b) If from any causes the conditions covered by this situation are such as to prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both steam vessels shall be stopped and backed if necessary, until signals for passing with safety are made and understood.

### § 80.8 Meeting of steam and sailing vessels; right of way.

When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

### § 80.9 Avoidance of crossing ahead.

Every steam vessel which is directed by the rules in this part to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

### § 80.10 Keeping to right in narrow channels.

In narrow channels every steam vessel shall, when it is safe and practicable keep to that side of the fairway or midchannel which lies on the starboard side of such vessel.

### § 80.11 Departure from rules.

In obeying and construing the rules in this part due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from said rules necessary in order to avoid immediate danger.

### § 80.12 Fog signals.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, signals shall be given as follows:

(a) A steam vessel under way, except when towing other vessels or being towed shall sound, at intervals of not more than 1 minute, on the whistle or siren, a prolonged blast

(b) A steam vessel when towing other vessels shall sound, at intervals of not more than 1 minute, on the whistle or siren, three blasts in succession, namely, one prolonged blast followed by two short blasts.

(c) A vessel towed may give, at intervals of not more than 1 minute, on the fog horn, a signal of three blasts in succession, namely, one prolonged blast followed by two short blasts, and she shall not give any other.

(d) A vessel when at anchor shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.

### § 80.13 Speed in fog; pamphlet containing Pilot Rules; diagrams.

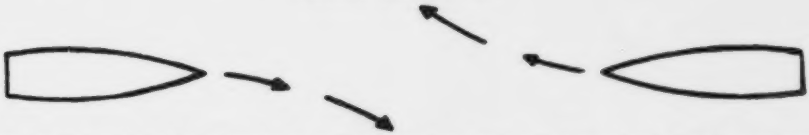
(a) *Moderate speed in fog.* (1) Every steam vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(2) A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines and then navigate with caution until danger of collision is over.

(b) *Pamphlet containing Pilot Rules.* All vessels and craft over 65 feet in length upon the waters described in § 80.01 shall, where practicable, carry on board and maintain for ready reference copies of the current edition of Coast Guard pamphlet CG-169. Nothing in this section shall require copies of this pamphlet to be carried on board any motorboat as defined by section 1 of the Act of April 25, 1940, as amended (54 Stat. 163; 46 U.S.C. 526).

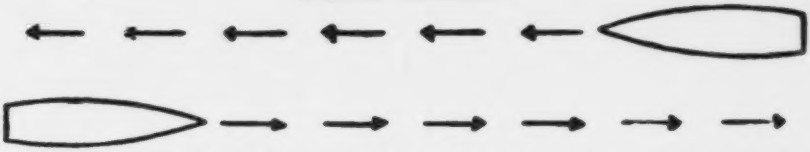
(c) *Diagrams.* The following diagrams are intended to illustrate the working of the system of colored lights and pilot rules.

FIRST SITUATION



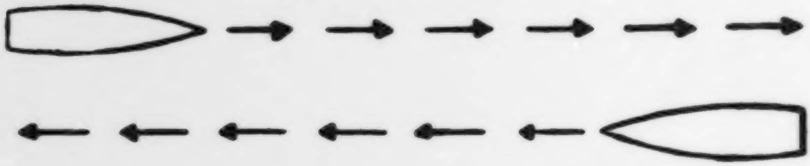
Here the two colored lights visible to each will indicate their direct approach "head and head" toward each other. In this situation it is a standing rule that both shall direct their courses to starboard and pass on the port side of each other, each having previously given one blast of the whistle.

SECOND SITUATION



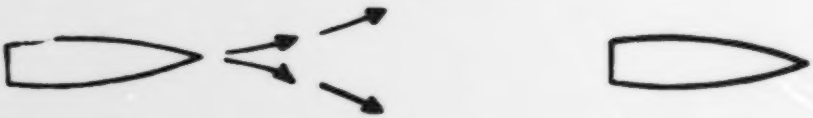
In this situation the red light only will be visible to each, the screens preventing the green lights from being seen. Both vessels are evidently passing to port of each other, which is rulable in this situation, each pilot having previously signified his intention by one blast of the whistle.

THIRD SITUATION



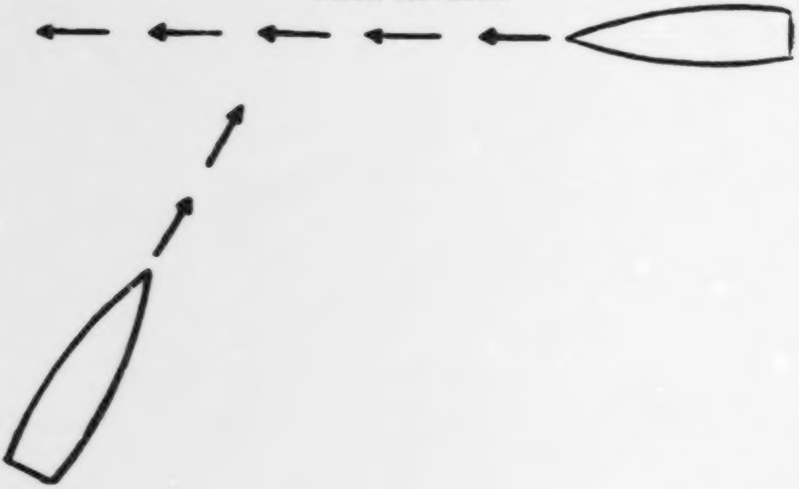
In this situation the green light only will be visible to each, the screens preventing the red light from being seen. They are therefore passing to starboard of each other, which is rulable in this situation, each pilot having previously signified his intention by two blasts of the whistle.

FOURTH SITUATION



In this situation one steam vessel is overtaking another steam vessel from some point within the angle of two points abaft the beam of the overtaken steam vessel. The overtaking steam vessel may pass on the starboard or port side of the steam vessel ahead after the necessary signals for passing have been given with assent of the overtaken steam vessel, as prescribed in § 80.6.

FIFTH SITUATION



In this situation two steam vessels are approaching each other at right angles or obliquely in such manner as to involve risk of collision, other than where one steam vessel is overtaking another. The steam vessel which has the other on her own port side shall hold course and speed, and the other shall keep clear by crossing astern of the steam vessel that is holding course and speed, or, if necessary to do so, shall slacken her speed, stop, or reverse.

[Pilot rules for certain inland waters, Mar. 16, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948, and amended by CGFR 58-45, 23 FR 9838, Dec. 20, 1958]

## LIGHTS FOR CERTAIN CLASSES OF VESSELS[1]

### § 80.11 Lights; time for.

The rules in this part concerning lights shall be complied with in all weathers from sunset to sunrise.

[Pilot rules for certain inland waters, Mar. 16, 1938, redesignated at 13 FR 7303, Nov. 30, 1948]

### § 80.15 Ferryboats.

(a) Ferryboats propelled by machinery and navigating the harbors, rivers, and other inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, shall carry the range lights and the colored side lights required by law to be carried on steam vessels navigating those waters, except that double-end ferryboats shall carry a central range of clear, bright, white lights, showing all around the horizon, placed at equal altitudes forward and aft, also on the starboard side a green light, and on the port side a red light, of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(b) The green and red lights shall be fitted with inboard screens projecting at least 3 feet forward from the lights, so as to prevent them from being seen across the bow.

(c) Officers in charge, marine inspection, in districts having ferryboats shall, whenever the safety of navigation may require, designate for each line of such boats a certain light, white or colored, which will show all around the horizon, to designate and distinguish such lines from each other, which light shall be carried on a flagstaff amidships, 15 feet above the white range lights.

[Pilot rules for certain inland waters, Mar. 16, 1938, as amended at 8 FR 2600, Mar. 2, 1943; 8 FR 10764, Aug. 3, 1943. Redesignated at 13 FR 7303, Nov. 30, 1948, and amended by CGFR 54-54, 19 FR 8039, Dec. 7, 1954]

### § 80.16 Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Atlantic and Pacific Coasts.

(a) On the harbors, rivers, and other inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above the Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the waters described in §§ 80.16a and 80.17, barges, canal boats, scows, and other vessels of nondescript type not otherwise provided for, when being towed by steam vessels, shall carry lights as set forth in this section.

(b) Barges and canal boats towing astern of steam vessels, when towing singly, or what is known as tandem towing, shall each carry a green light on the starboard side and a red light on the port side, and a white light on the stern, except that the last vessel of such tow shall carry two lights on her stern, athwartship, horizontal to each other, not less than 5 feet apart, and not less than 4 feet above the deck house, and so placed as to show all around the horizon. A tow of one such vessel shall be lighted as the last vessel of a tow.

(c) When two or more boats are abreast, the colored lights shall be carried at the outer sides of the bows of the outside boats. Each of the outside boats in last tier of a hawser two shall carry a white light on her stern.

(d) The white light required to be carried on stern of a barge or canal boat carrying red and green side lights except the last vessel in a tow shall be carried in a lantern so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass, namely, for 6 points from right aft on each side of the vessel, and shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles.

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[1] See act of Congress approved Apr. 25, 1940 (sec. 3; 54 Stat. 164; 46 U.S.C. 526b), prescribing lights that shall be carried by certain classes of vessels of not more than 65 feet in length, amendatory of these rules.

(e) Barges, canal boats or scows towing alongside a steam vessel shall, if the deck, deck houses, or cargo of the barge, canal boat or scow be so high above water as to obscure the side lights of the towing steamer when being towed on the starboard side of the steamer, carry a green light upon the starboard side; and when towed on the port side of the steamer, a red light on the port side of the barge, canal boat, or scow; and if there is more than one barge, canal boat or scow abreast, the colored lights shall be displayed from the outer side of the outside barges, canal boats or scows.

(f) Barges, canal boats or scows must when being propelled by pushing ahead of a steam vessel, display a red light on the port bow and a green light on the starboard bow of the head barge, canal boat or scow, carried at a height sufficiently above the superstructure of the barge, canal boat or scow as to permit said sidelights to be visible; and if there is more than one barge, canal boat or scow abreast, the colored lights must be displayed from the outer side of the outside barges, canal boats or scows. Additionally, a flashing yellow light must be displayed at the forward end of the tow, so placed to be as nearly as practicable on the centerline of the tow.

(g)(1) The colored sidelights referred to in this section shall be fitted with inboard screens so as to prevent them from being seen across the bow, and of such character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on either side.

(2) The flashing yellow light must—

(i) Be visible on a dark night with a clear atmosphere at a distance of at least 2 miles;

(ii) Flash 50 to 70 times per minute; and

(iii) Be constructed to show a uniform light over an arc of the horizon from right ahead to at least 90 degrees, but no more than 112.5 degrees on each side of the tow.

(h) Scows not otherwise provided for in this section on waters described in paragraph (a) of this section shall carry a white light at each end of each scow, except that when such scows are massed in tiers, two or more abreast, each of the outside scows shall carry a white light on its outer bow, and the outside scows in the last tier shall each carry, in addition, a white light on the outer part of the stern. The white light shall be carried not less than 8 feet above the surface of the water, and shall be so placed as to show an unbroken light all around the horizon, and shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 5 miles.

(i) Other vessels of nondescript type not otherwise provided for in this section shall exhibit the same lights that are required to be exhibited by scows by this section.

NOTE: The regulations in §§ 80.16 to 80.17, inclusive, are not applicable to rafts. The requirements regarding lights for rafts are in § 80.32.

(R.S. 4233A, as amended, sec. 1, 30 Stat. 98, as amended; 33 U.S.C. 353, 178; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 48-74, 13 FR 9334, Dec. 31, 1948, as amended by CGFR 50-28, 15 FR 7266, Oct. 28, 1950; CGFR 54-54, 19 FR 8039, Dec. 7, 1954; CGFR 54-55, 20 FR 563, Jan. 26, 1955; CGD 76-109, 44 FR 34130, June 14, 1979]

### § 80.16a Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway.

(a) On the Gulf Intracoastal Waterway and on the other inland waters connected therewith or with the Gulf of Mexico from the Rio Grande, Texas, to Cape Sable (East Cape), Florida, barges, canal boats, scows, and other vessels of nondescript type not otherwise provided for, when being towed by steam vessels shall carry lights as set forth in this section.

(b) When one or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed by pushing ahead of a steam vessel, or by a combination of pushing ahead or towing alongside of a steam vessel, such tow must be lighted by a flashing yellow light at the extreme forward end of the tow, so placed as to be as nearly as practicable on the centerline of the tow, a green light on the starboard side of the tow, so placed as to mark the maximum projection of the tow to starboard and a red light on the port side of the tow, so placed as to mark the maximum projection of the tow to port.

(c) When one or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed alongside a steam vessel, there shall be displayed a white light at each outboard corner of the tow. If the deck, deck house, or cargo of such barge, etc., obscures the sidelight of the towing vessel, such barge, etc., shall also carry a green light upon the starboard side when being towed on the starboard side of a steam vessel or shall carry a red light on the port side of the barge, etc., when being towed on the port side of the steam vessel. If there is more than one such barge, etc., being towed abreast, the appropriate colored sidelight shall be displayed from the outer side of the outside barge.

(d) When one barge, canal boat, scow or other vessel of nondescript type not otherwise provided for, is being towed singly behind a steam vessel, such vessel shall carry four white lights, one on each corner or outermost projection of the bow and one on each corner or outermost projection of the stern.

(e) When two or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed behind a steam vessel in tandem, with a hawser length, between vessels, of 75 feet or more, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry two white lights, one at each end amidships.

(3) The last vessel in the tow shall carry three white lights, one on each corner or outermost projection of the stern and a white light at the bow amidships.

(f) When two or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed behind a steam vessel in tandem, with a hawser length, between vessels, of less than 75 feet, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry a white light at the stern amidships.

(3) The last vessel in the tow shall carry two white lights, one on each corner or outermost projection of the stern.

(g) When two or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed behind a steam vessel two or more abreast, in one or more tiers, each of the outside vessels in each tier shall carry a white light on the outboard corner of the bow, and each of the outside vessels in the last tier shall carry, in addition, a white light on the outboard corner of the stern.

(h) Lights for moored barges shall be as described in this paragraph.

(1) The following barges, when moored in or near a fairway, shall display between the hours of sunset and sunrise the barge lights described in paragraph (h)(2) of this section:

(i) Every barge projecting into a buoyed or restricted channel.

(ii) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(iii) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(iv) Every barge moored to the bank in any manner other than parallel thereto.

(2) Barges required to be lighted under paragraph (h)(1) of this section shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(i) On a single moored barge, a light on each outboard or channelward corner.

(ii) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(3) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this paragraph.

(i) The colored side lights shall be so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to show the light from right ahead to 2 points abaft the beam on their respective sides, and of such a character as to be visible at a distance of at least 2 miles, and shall be fitted with inboard screens so as to prevent either light from being seen more than half a point across the centerline of the tow.

(j) The flashing yellow light must—

(1) Be visible on a dark night with a clear atmosphere at a distance of at least 2 miles;

(2) Flash 50 to 70 times per minute; and

(3) Be constructed to show a uniform light over an arc of the horizon from right ahead to at least 90 degrees, but no more than 112.5 degrees on each side of the tow.

(k) The white lights shall be so constructed and so fixed as to show a clear, uniform, and unbroken light all around the horizon, and of such a character as to be visible at a distance of at least 2 miles.

(l) All the lights shall be carried at approximately the same height aoove the surface of the water and, except as provided in paragraph (h) of this section, shall be so placed with respect thereto as to be clear of and above all obstructions which might tend to interfere with the prescribed arc or distance of visibility.

(R.S. 4233A, sec. 1, 30 Stat. 98; 33 U.S.C. 353, 178; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 58-19, 23 FR 6108, Aug. 9, 1958, as amended by CGFR 64-21, 29 FR 5731, Apr. 30, 1964; CGFR 64-81, 29 FR 18011, Dec. 18, 1964; CGFR 66-47, 31 FR 11723, Sept. 7, 1966; CGD 76-109, 44 FR 34130, June 14, 1979]

### § 80.16b Lights for barges, canal boats, scows, and other nondescript vessels temporarily operating on waters requiring different lights.

Nothing in §§ 80.16, 80.16a, or 80.17 shall be construed as compelling barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, being towed by steam vessels, when passing through any waters coming within the scope of any regulations where lights for such boats are different from those of the waters whereon such boats are usually employed, to change their lights from those required on the waters on which their trip begins or terminates; but should such boats engage in local employment on waters requiring different lights from those where they are customarily employed, they shall comply with the local rules where employed.

(Sec. 1, 30 Stat. 98, as amended; 33 U.S.C. 178)

[CGFR 48-74, 13 FR 9335, Dec. 31, 1948]

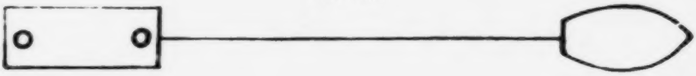
### § 80.17 Lights for barges and canal boats in tow of steam vessels on the Hudson River and adjacent waters and Lake Champlain.

(a) All nondescript vessels known as scows, car floats, lighters, and vessels of similar type, navigating the waters referred to in this section, shall carry the lights required to be carried by barges and canal boats in tow of steam vessels, as prescribed in this section.

(b) Barges and canal boats, when being towed by steam vessels on the waters of the Hudson River and its tributaries from Troy to the boundary lines of New York Harbor off Sandy Hook, as defined pursuant to section 2 of the act of Congress of February 19, 1895 (28 Stat. 672; 33 U.S.C. 151), the East River and Long Island Sound (and the waters entering thereon, and to the Atlantic Ocean) to and including Narragansett Bay, R.I., and tributaries, and Lake Champlain, shall carry lights as follows:

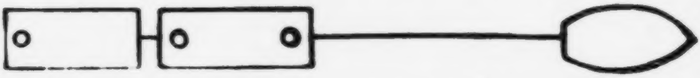
(1) Barges and canal boats being towed astern of steam vessels when towing singly shall carry a white light on the bow and a white light on the stern.

SINGLY



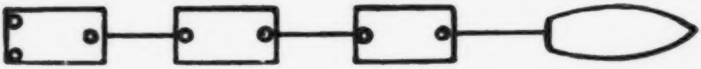
(2) When towing in tandem, "with a hauser length, between vessels, of less than 75 feet," each boat shall carry a white light on its stern and the first or hawser boat shall, in addition carry a white light on its bow.

TANDEM (WITH A HAWSER LENGTH, BETWEEN VESSELS, OF LESS THAN 75 FEET)



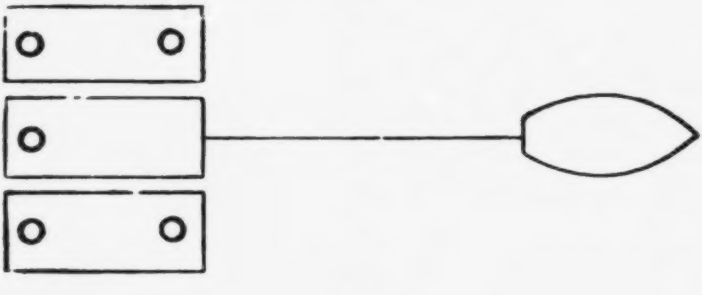
(3) When towing in tandem with a hawser length of 75 feet or more between the various boats in the tow, each boat shall carry a white light on the bow and a white light on the stern, except that the last vessel in the tow shall carry two white lights on her stern, athwartship, horizontal to each other, not less than 5 feet apart and not less than 4 feet above the deck house, and so placed as to show all around the horizon: *Provided*, That seagoing barges shall not be required to make any change in their seagoing lights (red and green) on waters coming within the scope of this section, except that the last vessel of the tow shall carry two white lights on her stern, athwartship, horizontal to each other, not less than 5 feet apart, and not less than 4 feet above the deck house, and so placed as to show all around the horizon.

TANDEM (WITH A HAWSER LENGTH, BETWEEN VESSELS, OF 75 FEET OR MORE)



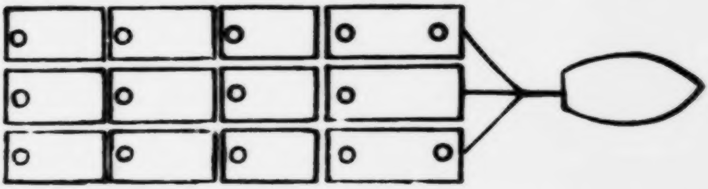
(4) Barges and canal boats when towed at a hawser, two or more abreast, when in one tier, shall each carry a white light on the stern and a white light on the bow of each of the outside boats.

TWO OR MORE ABREAST IN ONE TIER



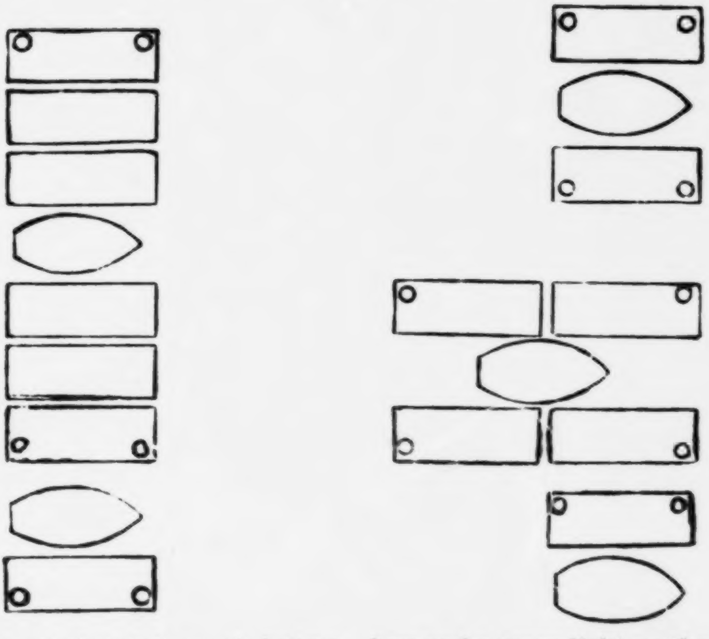
(5) When in more than one tier, each boat shall carry a white light on its stern and the outside boats in the hawser or head tier shall each carry, in addition, a white light on the bow.

TWO OR MORE ABREAST AND IN MORE THAN ONE TIER



(6) The white bow lights for barges and canal boats referred to in this section shall be carried at least 10 feet and not more than 30 feet abaft the stern or extreme forward end of the vessel. On barges and canal boats required to carry a white bow light, the white light on bow and the white light on stern shall each be so placed above the hull or deck house as to show an unbroken light all around the horizon, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles.

TOWED ALONGSIDE—VARIOUS POSITIONS

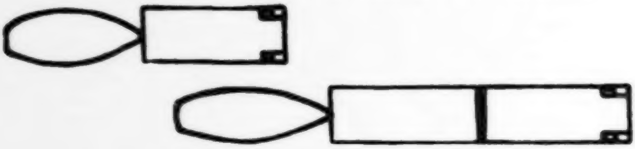


(7) When nondescript vessels known as scows, car floats, lighters, barges or canal boats, and vessels of similar type, are towed alongside a steam vessel, there shall be displayed a white light at the outboard corners of the tow.

(8) When under way between the hours of sunset and sunrise there shall be displayed a red light on the port bow and a green light on the starboard bow of the head barge or barges, properly screened and so arranged that they may be visible through an arc of the horizon of 10 points of the compass; that is, from right ahead to 2 points abaft the beam on either side and visible on a dark night with a clear atmosphere at a distance of at least 2 miles, and be carried at a

height sufficiently above the superstructure of the barge or barges pushed ahead as to permit said side lights to be visible.

PROPULSION OF BARGE OR BARGES BY PUSHING



(9) Dump scows utilized for transportation and disposal of garbage, street sweepings, ashes, excavated material, dredgings, etc., when navigating on the Hudson River or East River or the waters tributary thereto between loading points on these waters and the dumping grounds established by competent authority outside the line dividing the high seas from the inland waters of New York Harbor, shall, when towing in tandem, carry, instead of the white lights previously required, red and green side lights on the respective and appropriate sides of the scow in addition to the white light required to be shown by an overtaken vessel.

(10) The red and green lights prescribed in this section shall be carried at a height at which they can readily be seen, the lights properly screened and so arranged as to show through an arc of the horizon of 10 points of the compass, that is, from right ahead to 2 points abaft the beam on either side and visible on a dark night with a clear atmosphere a distance of at least 2 miles: *Provided*, That nothing in this section shall be construed as compelling barges or canal boats in tow of steam vessels, passing through any waters coming within the scope of this section where lights for barges or canal boats are different from those of the waters whereon such vessels are usually employed, to change their lights from those required on the waters from which their trip begins or terminates; but should such vessels engage in local employment on waters requiring different lights from those where they are customarily employed, they shall comply with the local rules where employed.

[Pilot rules for certain inland waters, Mar. 16, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 60-61, 25 FR 9045, Sept. 21, 1960; CGFR 64-21, 29 FR 5731, Apr. 30, 1964; CGFR 64-81, 29 FR 18011, Dec. 18, 1964]

## LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES OF ALL TYPES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

SOURCE: Sections 80.18 to 80.25, CGFR 47-59, 13 FR 152, Jan. 10, 1948, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

### § 80.18 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(a) The vessel having the submerged object in tow shall display by day, where they can best be seen, two shapes, one above the other, not less than six feet apart, the lower shape to be carried not less than 10 feet above the deck house. The shapes shall be in the form of a double frustum of a cone, base to base, not less than two feet in diameter at the center nor less than eight inches at the ends of the cones, and to be not less than four feet lengthwise from end to end, the upper shape to be painted in alternate horizontal stripes of black and white, eight inches in width, and the lower shape to be painted a solid bright red.

(b) By night the towing vessel shall display the regular sidelights but in lieu of the regular white towing lights shall display four lights in a vertical position not less than 3 feet nor more than 6 feet apart, the upper and lower of such lights to be white and of the same character as the regular towing lights, and the middle of such lights to be red and of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles.

[CGFR 47-59, 13 FR 152, Jan. 10, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967]

### § 80.19 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

(a) Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting, shall display by day two shapes of the same character and dimensions and displayed in the same manner as required by § 80.18(a), except that both shapes shall be painted a solid bright red, but where more than one vessel is working under the above conditions, the shapes need be displayed only from one vessel on each side of the wreck from which they can best be seen from all directions.

(b) By night this situation shall be indicated by the display of a white light from the bow and stern of each outside vessel or lighter not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck.

### § 80.20 Dredges held in stationary position by moorings or spuds.

(a) Dredges which are held in stationary position by moorings or spuds shall display by day two red balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, and at least 15 feet above the deck house and in such a position where they can best be seen from all directions.

(b) By night they shall display a white light at each corner, not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck. When scows are moored alongside a dredge in the foregoing situation they shall display a white light on each outboard corner, not less than six feet above the deck.

### § 80.21 Dredges under way and engaged in dredging operations.

(a) Dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site but shall not include proceeding to or from the site.

(b) By night self-propelled dredges under way and engaged in dredging operations shall carry, in addition to the regular running lights, two red lights in a vertical line beneath the white masthead light. These red lights shall be not less than 3 feet nor more than 6 feet apart and the upper red light shall be not less than 3 feet nor more than 6 feet below the masthead light. They shall also carry on or near the stern two red lights in a vertical line not less than 3 feet nor more than 6 feet apart, to show through 12 points of the compass; that is, from right astern to 6 points on each quarter. The forward red lights and after red lights shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles.

(c) By night, a non-self-propelled dredge which is under way and engaged in dredging operations while being pushed ahead by a towboat shall be considered, with such towboat, for the purpose of compliance with Rules of the Road requirements for lights and shapes, as a single vessel. This vessel shall carry the lights described in paragraph (b) of this section, except that both the dredge and towboat shall carry the sidelights normally required for a barge towed by being pushed ahead and a vessel towing, respectively. When not engaged in dredging operations, this unit shall carry the regular lights for vessels towing and being towed.

[CGFR 64-81, 29 FR 18011, Dec. 18, 1964, as amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967]

### § 80.22 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

(a) Vessels which are moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations, shall display by day, not less than 15 feet above the deck, where they can best be seen from all directions, two balls not less than two feet in diameter, in a vertical line not less than three feet nor more than six feet apart, the upper ball to be painted in alternate black and white vertical stripes six inches wide, and the lower ball to be painted a solid bright red.

(b) By night they shall display three red lights, carried in a vertical line not less than three feet nor more than six feet apart, in a position where they can best be seen from all directions, with the lowermost light not less than 15 feet above the deck.

(c) Where a stringout of moored vessels or barges is engaged in the operations, three red lights carried as prescribed in paragraph (b) of this section shall be displayed at the channelward end of the stringout. Where the stringout crosses the navigable channel and is to be opened for the passage of vessels, the three red lights shall be displayed at each side of the opening instead of at the outer end of the stringout. There shall also be displayed upon such stringout one horizontal row of amber lights not less than six feet above the deck, or above the deck house where the craft carries a deck house, in a position where they can best be seen from all directions, spaced not more than 50 feet apart so as to mark distinctly the entire length and course of the stringout.

### § 80.23 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of yellow lights. The lights must be—

(i) Flashing from 50 to 70 times per minute;

(ii) Visible all around the horizon;

(iii) Not less than eight and not more than 12 feet above the water;

(iv) Approximately equally spaced; and

(v) Not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's length and course.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—

(i) Visible all around the horizon; and

(ii) Three feet apart in a vertical line with the lower light at the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

[CGD 73-216, 44 FR 11053, Feb. 26, 1979]

### § 80.23a Lights to be displayed on pipelines disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredges must—

(1) Display the lights on the pipelines as required in § 80.23 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—

(i) Visible all around the horizon; and

(ii) Three feet apart in a vertical line with the lower light at the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline disengaged from the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

((14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGD 73-216, 44 FR 11053, Feb. 26, 1979]

### § 80.24 Lights generally.

(a) All the lights required by §§ 80.18 to 80.23a, inclusive, except as provided in § 80.18(b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles. The white lights provided for in § 80.18(b) shall be visible for at least five miles

(b) The lights required by § 80.18(b) shall be of the same construction as the regular towing lights. The lights required by § 80.21(b) shall be of the same construction as the masthead light.

(c) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

((14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGFR 47-59, 13 FR 152, Jan. 10, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948, and amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967; CGD 73-216, 44 FR 11053, Feb. 26, 1979]

### § 80.25 Vessels moored or at anchor.

Vessels of more than 65 feet in length when moored or anchored in a fairway or channel shall display between sunrise and sunset on the forward part of the vessel where it can best be seen from other vessels one black ball not less than two feet in diameter.

## PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

SOURCE: Sections 80.26 to 80.31a, CGFR 47-59, 13 FR 153, Jan. 10, 1948, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

NOTE: The term "floating plant" as used in §§ 80.26 to 80.31a, includes dredges, derrick boats, snag boats, drill boats, pile drivers, maneuver boats, hydraulic graders, survey boats, working barges, and mat sinking plant.

### § 80.26 Passing signals.

(a) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the local pilot rules for vessels under way and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(b) When the pipe line from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipe line or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipe line shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (a) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(c) When any pipe line or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

### § 80.27 Speed of vessels passing floating plant working in channels.

Vessels, with or without tows, passing floating plant working in channels, shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant their speed shall not exceed five miles per hour. While passing over lines of the plant, propelling machinery shall be stopped.

### § 80.28 Light-draft vessels passing floating plant.

Vessels whose draft permits shall keep outside of the buoys marking the end of mooring line of floating plant working in channels.

### § 80.29 Aids to navigation marking floating-plant moorings.

Breast, stern, and bow anchors of floating plant working in navigable channels shall be marked by barrel or other suitable buoys. By night approaching vessels shall be shown the location of adjacent buoys by throwing a suitable beam of light from the plant on the buoys until the approaching vessel has passed, or the buoys may be lighted by red lights, visible in all directions, of the same character as specified in § 80.24(a): *Provided*, That the foregoing provisions of this section shall not apply to the following waters of New York Harbor and adjacent waters: the East River, the North River (Battery to Spuyten Duyvil), the Harlem River and the New York and New Jersey Channels (from the Upper Bay through Kill Van Kull, Newark Bay, Arthur Kill, and Raritan Bay to the Lower Bay).

### § 80.30 Obstruction of channel by floating plant.

Channels shall not be obstructed unnecessarily by any dredge or other floating plant. While vessels are passing such plant, all lines running therefrom across the channel on the passing side, which may interfere with or obstruct navigation, shall be slacked to the bottom of the channel.

### § 80.31 Clearing of channels.

When special or temporary regulations have not been prescribed and action under the regulations contained in §§ 80.26 to 80.30, will not afford clear passage, floating plant in narrow channels shall, upon notice, move out of the way of vessels a sufficient distance to allow them a clear passage. Vessels desiring passage shall, however, give the master of the floating plant ample notice in advance of the time they expect to pass.

NOTE: If it is necessary to prohibit or limit the anchorage or movement of vessels within certain areas in order to facilitate the work of improvement, application should be made through official channels for establishment by the Secretary of the Army of special or temporary regulations for this purpose.

### § 80.31a Protection of marks placed for the guidance of floating plant.

Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant.

## LIGHTS FOR RAFTS AND OTHER CRAFT NOT PROVIDED FOR

### § 80.32 Lights for rafts and other craft.

(a) Any vessel propelled by hand power, horse power, or by the current of the river, except rafts and rowboats, shall carry one white light forward not less than 8 feet above the surface of the water.

(b) Any raft while being propelled by hand power, by horse power, or by the current of the river, while being towed, or while anchored or moored in or near a channel or fairway, shall carry white lights as follows:

(1) A raft of one crib in width shall carry one white light at each end of the raft.

(2) A raft of more than one crib in width shall carry 4 white lights, one on each outside corner.

(3) An unstable log raft of one bag or boom in width shall carry at least 2 but not more than 4 white lights in a fore and aft line, one of which shall be at each end. The lights may be closely grouped clusters of not more than 3 white lights rather than single lights.

(4) An unstable log raft of more than one bag or boom in width shall carry 4 white lights, one on each outside corner. The lights may be closely grouped clusters of not more than 3 white lights rather than single lights.

(c) The white lights required by this section shall be carried from sunset to sunrise, in a lantern so fixed and constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and of such intensity as to be visible on a dark night with a clear atmosphere at a distance of at least one mile. The lights for rafts shall be suspended from poles of such height that the lights shall not be less than 8 feet above the surface of the water, except that the lights prescribed for unstable log rafts shall not be less than 4 feet above the water.

(Sec. 1, 30 Stat. 98, as amended; 33 U.S.C. 178)

[CGFR 54-55, 20 FR 563, Jan. 26, 1955]

### SPECIAL DAY OR NIGHT SIGNALS

### § 80.32a Day marks for fishing vessels with gear out.

All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal in the direction from the anchor back towards the nets or gear.

[CGFR 49-39, 14 FR 6517, Oct. 26, 1949]

### § 80.33 Special signals for vessels employed in hydrographic surveying.

By day a surveying vessel of the Coast and Geodetic Survey, under way and employed in hydrographic surveying, may carry in a vertical line, one over the other not less than 6 feet apart where they can best be seen, three shapes not less than 2 feet in diameter of which the highest and lowest shall be globular in shape and green in color and the middle one diamond in shape and white.

(a) Vessels of the Coast and Geodetic Survey shall carry the above-prescribed marks while actually engaged in hydrographic surveying and under way, including drag work. Launches and other boats shall carry the prescribed marks when necessary.

(b) It must be distinctly understood that these special signals serve only to indicate the nature of the work upon which the vessel is engaged and in no way give the surveying vessel the right-of-way over other vessels or obviate the necessity for a strict observance of the rules for preventing collisions of vessels.

(c) By night a surveying vessel of the Coast and Geodetic Survey, under way and employed in hydrographic surveying, shall carry the regular lights prescribed by the rules of the road.

(d) A vessel of the Coast and Geodetic Survey, when at anchor in a fairway on surveying operations, shall display from the mast during the daytime two black balls in a vertical line not less than 6 feet apart. At night two red lights shall be displayed in the same manner. In the case of a small vessel the distance between the balls and between the lights may be reduced to not less than 3 feet if necessary.

(e) Such vessels, when at anchor in a fairway on surveying operations, shall have at hand and show, if necessary, in order to attract attention, a flare-up light in addition to the lights which are, by this section, required to be carried.

[Pilot rules for certain inland waters, Mar. 16, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948, and amended by CGFR 64-14, 30 FR 6434, May 8, 1965]

### § 80.33a Warning signals for Coast Guard vessels while handling or servicing aids to navigation.

(a) Coast Guard vessels while engaged in handling or servicing an aid to navigation during the daytime may display from the yard two orange and white vertically striped balls in a vertical line not less than three feet nor more than six feet apart, and during the nighttime may display, in a position where they may best be seen, two red lights in a vertical line not less than three feet nor more than six feet apart.

(b) Vessels, with or without tows, passing Coast Guard vessels displaying this signal, shall reduce their speed sufficiently to insure the safety of both vessels, and when passing within 200 feet of the Coast Guard vessel displaying this signal, their speed shall not exceed 5 miles per hour.

[CGFR 51-26, 16 FR 5767, June 16, 1951]

## MISCELLANEOUS

NOTE: Sections 80.34 to 80.36 issued under R.S. 4405, as amended; 46 U.S.C. 375.

### § 80.34 Rule relating to the use of searchlights or other blinding lights.

Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of R.S. 4450, as amended, looking to the revocation or suspension of his license or certificate.

[Order 137, 6 FR 4214, Aug. 20, 1941. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 80.35 Rule prohibiting unnecessary sounding of the whistle.

Unnecessary sounding of the whistle is prohibited within any harbor limits of the United States. Whenever any licensed officer in charge of any vessel shall authorize or permit such unnecessary whistling, such officer may be proceeded against in accordance with the provisions of R.S. 4450, as amended, looking to a revocation or suspension of his license.

[3 FR 1244, June 1, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 80.36 Rule prohibiting the carrying of unauthorized lights on vessels.

Any master or pilot of any vessel who shall authorize or permit the carrying of any light, electric or otherwise, not required by law that in any way will interfere with distinguishing the signal lights may be proceeded against in accordance with the provisions of R.S. 4450, as amended, looking to a suspension or revocation of his license.

[3 FR 1244, June 1, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 80.37 Distress signals.

(a) *Daytime.* (1) Slowly and repeatedly raising and lowering arms outstretched to each side.

[CGFR 60-34, 25 FR 4451, May 20, 1960]

### § 80.38 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30-1(a), 98.25-90(f), 146.29-25(o), 151.45-9, and 153.953 require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGD 80-78, 45 FR 43704, June 30, 1980]

### § 80.40 Exceptions to the statutory and regulatory requirements for lights, day signals, or other navigational means and appliances when operating under bridges.

(a) Any vessel while passing under a bridge may temporarily lower any lights, day signals, or other navigational means and appliances when required to do so because of the restricted vertical clearance under the bridge. Immediately when clear of the bridge, all lights, day signals, or other navigational means and appliances shall be exhibited as required by law or regulation.

(77 Stat. 281, 33 U.S.C. 157a)

[CGFR 64-14, 30 FR 6434, May 8, 1965, as amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967]

### § 80.45 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the forward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

[CGFR 66-32, 31 FR 10322, July 30, 1966]

# PART 82—COLREGS DEMARCATION LINES

### GENERAL

Sec.

82.01 General basis and purpose of demarcation lines.

### ATLANTIC COAST

#### FIRST DISTRICT

82.105 Calais, ME to Cape Small, ME.
82.110 Casco Bay, ME.
82.115 Portland Head, ME to Cape Ann, MA.
82.120 Cape Ann, MA to Marblehead Neck, MA.
82.125 Marblehead Neck, MA to Nahant, MA.
82.130 Boston Harbor entrance.
82.135 Hull, MA to Race Point, MA.
82.145 Race Point, MA to Watch Hill, RI.
82.150 Block Island, RI.

#### THIRD DISTRICT

82.305 Watch Hill, RI to Montauk Point, NY.
82.310 Montauk Point, NY to Atlantic Beach, NY.
82.315 New York Harbor.
82.320 Sandy Hook, NJ to Cape May, NJ.

Sec.

82.325 Delaware Bay.

#### FIFTH DISTRICT

82.505 Cape Henlopen, DL to Cape Charles, VA.
82.510 Chesapeake Bay Entrance, VA.
82.515 Cape Henry, VA to Cape Hatteras, NC.
82.520 Cape Hatteras, NC to Cape Lookout, NC.
82.525 Cape Lookout, NC to Cape Fear, NC.
82.530 Cape Fear, NC to New River Inlet, NC.

#### SEVENTH DISTRICT

82.703 Little River Inlet, SC to Cape Romain, SC.
82.707 Cape Romain, SC to Sullivans Island, SC.
82.710 Charleston Harbor, SC.
82.712 Morris Island, SC to Hilton Head Island, SC.
82.715 Savannah River.
82.717 Tybee Island, GA to St. Simons Island, GA.
82.720 St. Simons Island, GA to Amelia Island, FL.
82.723 Amelia Island, FL to Cape Canaveral, FL.
82.727 Cape Canaveral, FL to Miami Beach.
82.730 Miami Harbor, FL.
82.735 Miami, FL to Long Key, FL.

### PUERTO RICO AND VIRGIN ISLANDS

#### SEVENTH DISTRICT

82.738 Puerto Rico and Virgin Islands.

### GULF COAST

#### SEVENTH DISTRICT

82.740 Long Key, FL to Cape Sable, FL.
82.745 Cape Sable, FL to Cape Romano, FL.
82.748 Cape Romano, FL to Sanibel Island, FL.
82.750 Sanibel Island, FL to St. Petersburg, FL.
82.753 St. Petersburg, FL to the Anclote, FL.
82.755 Anclote, FL to the Suncoast Keys, FL.
82.757 Suncoast Keys, FL to Horseshoe Point, FL.
82.760 Horseshoe Point, FL to Rock Islands, FL.

#### EIGHTH DISTRICT

82.805 Rock Island, FL to Cape San Blas, FL.
82.810 Cape San Blas, FL to Perdido Bay, FL.

Sec.
82.815 Mobile Bay, AL to the Chandeleur Islands, LA.
82.820 Mississippi River.
82.825 Mississippi Passes, LA.
82.830 Mississippi Passes, LA to Point Au Fer, LA.
82.835 Point Au Fer, LA to Calcasieu Pass, LA.
82.840 Sabine Pass, TX to Galveston, TX.
82.845 Galveston, TX to Freeport, TX.
82.850 Brazos River, TX to the Rio Grande, TX.

PACIFIC COAST

ELEVENTH DISTRICT

82.1105 Santa Catalina Island, CA.
82.1110 San Diego Harbor, CA.
82.1115 Mission Bay, CA.
82.1120 Oceanside Harbor, CA.
82.1125 Dana Point Harbor, CA.
82.1130 Newport Bay, CA.
82.1135 San Pedro Bay—Anaheim Bay, CA.
82.1140 Redondo Harbor, CA.
82.1145 Marina Del Rey, CA.
82.1150 Port Hueneme, CA.
82.1155 Channel Islands Harbor, CA.
82.1160 Ventura Marina, CA.
82.1165 Santa Barbara Harbor, CA.

TWELFTH DISTRICT

82.1205 San Luis Obispo Bay, CA.
82.1210 Estero—Morro Bay, CA.
82.1215 Monterey Harbor, CA.
82.1220 Moss Landing Harbor, CA.
82.1225 Santa Cruz Harbor, CA.
82.1230 Pillar Point Harbor, CA.
82.1250 San Francisco Harbor, CA.
82.1255 Bodega and Tomales Bay, CA.
82.1260 Albion River, CA.
82.1265 Noyo River, CA.
82.1270 Arcato—Humboldt Bay, CA.
82.1275 Crescent City Harbor, CA.

THIRTEENTH DISTRICT

82.1305 Chetco River, OR.
82.1310 Rogue River, OR.
82.1315 Coquille River, OR.
82.1320 Coos Bay, OR.
82.1325 Umpqua River, OR.
82.1330 Sinslaw River, OR.
82.1335 Alsea Bay, OR.
82.1340 Yaquina Bay, OR.
82.1345 Depoe Bay, OR.
82.1350 Netarts Bay, OR.
82.1355 Tillamook Bay, OR.
82.1360 Nehalem River, OR.
82.1365 Columbia River Entrance, OR/WA.
82.1370 Willapa Bay, WA.
82.1375 Grays Harbor, WA.
82.1380 Quillayute River, WA.
82.1385 Strait of Juan de Fuca
82.1390 Haro Strait and Strait of Georgia

PACIFIC ISLANDS

FOURTEENTH DISTRICT

Sec.
82.1410 Hawaiian Island Exemption from General rule.
82.1420 Mamala Bay, Oahu, HI.
82.1430 Kaneohe Bay, Oahu, HI.
82.1440 Port Allen, Kauai, HI.
82.1450 Nawiliwili Harbor, Kauai, HI.
82.1460 Kahului Harbor, Maui, HI.
82.1470 Kawaihae Harbor, Hawaii, HI.
82.1480 Hilo Harbor, Hawaii, HI.
82.1490 Apra Harbor, U.S. Territory of Guam.
82.1495 U.S. Pacific Island Possessions.

ALASKA

SEVENTEENTH DISTRICT

82.1705 Alaska.

AUTHORITY: Rule 1, International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964; Pub. L. 95-75, 91 Stat. 308; 14 U.S.C. 2; 49 CFR 1.46(b), unless otherwise noted.

SOURCE: CGD 77-118a, 42 FR 35784, July 11, 1977, unless otherwise noted.

## GENERAL

### § 82.01 General basis and purpose of demarcation lines.

(a) The regulations in this part establish the lines of demarcation delineating those waters upon which mariners must comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those waters upon which mariners must comply with the Navigation Rules for Harbors, Rivers, and Inland Waters (Inland Rules).

(b) The waters inside of the lines are Inland Rules Waters. The waters outside the lines are COLREGS Waters.

(c) The regulations in this part do not apply to the Great Lakes or their connecting and tributary waters as described in Part 90 of this Chapter, or the Western Rivers as described in Part 95 of this Chapter.

## ATLANTIC COAST

FIRST DISTRICT

### § 82.105 Calais, ME to Cape Small, ME.

The 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine from International

Bridge at Calais, ME to the southwesternmost extremity of Bald Head at Cape Small.

### § 82.110 Casco Bay, ME.

(a) A line drawn from the southwesternmost extremity of Bald Head at Cape Small to the southeasternmost extremity of Ragged Island; thence to the southern tangent of Jaquish Island thence to Little Mark Island Monument Light; thence to the northernmost extremity of Jewell Island.

(b) A line drawn from the tower on Jewell Island charted in approximate position latitude 43°40.6′ N. longitude 70°05.9′ W. to the northeasternmost extremity of Outer Green Island.

(c) A line drawn from the southwesternmost extremity of Outer Green Island to Ram Island Ledge Light; thence to Portland Head Light.

### § 82.115 Portland Head, ME to Cape Ann, MA.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine, New Hampshire, and Massachusetts from Portland Head to Halibut Point at Cape Ann.

(b) A line drawn from the southernmost tower on Gerrish Island charted in approximate position latitude 43°04.0′ N. longitude 70°41.2′ W. to Whaleback Light; thence to Jeffrey Point Light; thence to the northeasternmost extremity of Frost Point.

(c) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.

### § 82.120 Cape Ann, MA to Marblehead Neck, MA.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays and inlets on the east coast of Massachusetts from Halibut Point at Cape Ann to Marblehead Neck.

(b) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charted in approximate position latitude 42°35.1′ N. longitude 70°41.6′ W.

(c) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

### § 82.125 Marblehead Neck, MA to Nahant, MA.

The 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from Marblehead Neck to the easternmost tower at Nahant, charted in approximate position latitude 42°25.4′ N., longitude 70°54.6′ W.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, TIAS 8587; EO 11964; (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

[CGD 79-066, 45 FR 15176, Mar. 10, 1980]

### § 82.130 Boston Harbor entrance.

A line drawn from the easternmost tower at Nahant, charted in approximate position latitude 42°25.4′ N., longitude 70°54.6′ W., to Boston Lighted Horn Buoy "B"; thence to the esternmost radio tower at Hull, charted in approximate position latitude 42°16.7′ N., longitude 70°52.6′ W.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, TIAS 8587; EO 11964; (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

[CGD 79-066, 45 FR 15176, Mar. 10, 1980]

### § 82.135 Hull, MA to Race Point, MA.

(a) Except inside lines described in this section, the 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7′ N., longitude 70°52.6′ W., to Race Point on Cape Cod.

(b) A line drawn from Cape Cod Canal Breakwater Light south to the shoreline.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, TIAS 8587; EO 11964; (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

[CGD 77-118a, 42 FR 35784, July 11, 1977, as amended by CGD 79-066, 45 FR 15176, Mar. 10, 1980]

### § 82.145 Race Point, MA, to Watch Hill, RI.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the sounds, bays, harbors, and inlets along the coast of Cape Cod and the southern coasts of Massachusetts and Rhode Island from Race Point to Watch Hill.

(b) A line drawn from Nobska Point Light to Tarpaulin Cove Light on the southeastern side of Naushon Island; thence from the southernmost tangent of Naushon Island to the easternmost extremity of Nashawena Island; thence from the southwestern most extremity of Nashawena Island to the easternmost extremity of Cuttyhunk Island; thence from the southwestern tangent of Cuttyhunk Island to the tower on Gooseberry Neck charted in approximate position latitude 41°29.1′ N. longitude 71°02.3′ W.

(c) A line drawn from Sakonnet Breakwater Light to the silo on Sacnuest Point charted in approximate position latitude 41°28.5′ N. longitude 71°09.8′ W.

(d) An east-west line drawn through Beavertail Light between Brenton Point and the Boston Neck shoreline.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, T.I.A.S. 8587; E. O. 11964 (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

[CGD 77-118a, 42 FR 35784, July 11, 1977, as amended by CGD 79-036, 44 FR 22458, Apr. 16, 1979]

### § 82.150 Block Island, RI.

The 72 COLREGS shall apply on the harbors of Block Island.

## THIRD DISTRICT

### § 82.305 Watch Hill, RI to Montauk Point, NY.

(a) A line drawn from Watch Hill Light to East Point on Fishers Island.

(b) A line drawn from Race Point to Race Rock Light; thence to Little Gull Island Light thence to East Point on Plum Island.

(c) A line drawn from Plum Island Harbor East Dolphin Light to Plum Island Harbor West Dolphin Light.

(d) A line drawn from Plum Island Light to Orient Point Light; thence to Orient Point.

(e) A line drawn from the lighthouse ruins at the southwestern end of Long Beach Point to Cornelius Point.

(f) A line drawn from Coecles Harbor Entrance Light to Sungic Point.

(g) A line drawn from Nichols Point to Cedar Island Light.

(h) A line drawn from Three Mile Harbor West Breakwater Light to Three Mile Harbor East Breakwater Light.

(i) A line drawn from Montauk West Jetty Light to Montauk East Jetty Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

### § 82.310 Montauk Point, NY to Atlantic Beach, NY.

(a) A line drawn from Shinnecock Inlet East Breakwater Light to Shinnecock Inlet West Breakwater Light.

(b) A line drawn from Moriches Inlet East Breakwater Light to Moriches Inlet West Breakwater Light.

(c) A line drawn from Fire Island Inlet Breakwater Light 348° true to the southernmost extremity of the spit of land at the western end of Oak Beach.

(d) A line drawn from Jones Inlet Light 322° true across the southwest tangent of the island on the north side of Jones Inlet to the shoreline.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

### § 82.315 New York Harbor.

A line drawn from East Rockaway Inlet Breakwater Light to Sandy Hook Light.

### § 82.320 Sandy Hook, NJ to Cape May, NJ.

(a) A line drawn from Shark River Inlet North Breakwater Light to Shark River Inlet South Breakwater Light.

(b) A line drawn from Manasquan Inlet North Breakwater Light to Manasquan Inlet South Breakwater Light.

(c) A line drawn from Barnegat Inlet North Breakwater Light to Barnegat Inlet South Breakwater Light continues along the lines formed by the submerged Barnegat Inlet Breakwaters to the shoreline.

(d) A line drawn from the seaward tangent of Long Beach Island to the seaward tanget to Pullen Island across Beach Haven and Little Egg Inlets.

(e) A line drawn from the seaward tangent of Pullen Island to the seaward tangent of Brigantine Island across Brigantine Inlet.

(f) A line drawn from the seaward extremity of Absecon Inlet North Jetty to Atlantic City Light.

(g) A line drawn from the southernmost point of Longport at latitude 39°18.2′ N. longitude 74°32.2′ W. to the northeasternmost point of Ocean City at latitude 39°17.6′ N. longitude 74°33.1′ W. across Great Egg Harbor Inlet.

(h) A line drawn parallel with the general trend of highwater shoreline across Corson Inlet.

(i) A line formed by the centerline of the Townsend Inlet Highway Bridge.

(j) A line formed by the shoreline of Seven Mile Beach and Hereford Inlet Light.

(k) A line drawn from Cape May Inlet East Jetty Light to Cape May Inlet West Jetty Light.

### § 82.325 Delaware Bay.

A line drawn from Cape May Light to Harbor of Refuge Light; thence to the northernmost extremity of Cape Henlopen.

## FIFTH DISTRICT

### § 82.505 Cape Henlopen, DE to Cape Charles, VA.

(a) A line drawn from Indian River Inlet North Jetty Light to Indian River Inlet South Jetty Light.

(b) A line drawn from Ocean City Inlet Light 6 234° true across Ocean City Inlet to the submerged south breakwater.

(c) A line drawn from Assateague Beach Tower Light to the tower charted at latitude 37°52.6′ N. longitude 75°26.7′ W.

(d) A line formed by the range of Wachapreague Inlet Light 3 and Parramore Beach Lookout Tower drawn across Wachapreague Inlet.

(e) A line drawn from the lookout tower charted on the northern end of Hog Island to the seaward tangent of Parramore Beach.

(f) A line drawn 207° true from the lookout tower charted on the southern end of Hog Island across Great Machipongo Inlet.

(g) A line formed by the range of the two cupolas charted on the southern end of Cobb Island drawn across Sand Shoal Inlet.

(h) Except as provided elsewhere in this section from Cape Henlopen to Cape Charles, lines drawn parallel with the general trend of the highwater shoreline across the entrances to small bays and inlets.

### § 82.510 Chesapeake Bay Entrance, VA.

A line drawn from Cape Charles Light to Cape Henry Light.

### § 82.515 Cape Henry, VA to Cape Hatteras, NC.

(a) A line drawn from Rudee Inlet Jetty Light 2 to Rudee Inlet Jetty Light 1.

(b) A line formed by the centerline of the highway bridge across Oregon Inlet.

### § 82.520 Cape Hatteras, NC to Cape Lookout, NC.

(a) A line drawn from Hatteras Inlet Light 255° true to the eastern end of Ocracoke Island.

(b) A line drawn from the westernmost extremity of Ocracoke Island at latitude 35°04.0′ N. longitude 76°00.8′ W. to the northeastern extremity of Portsmouth Island at latitude 35°03.7′ N. longitude 76°02.3′ W.

(c) A line drawn across Drum Inlet parallel with the general trend of the highwater shoreline.

### § 82.525 Cape Lookout, NC to Cape Fear, NC.

(a) A line drawn from Cape Lookout Light to the seaward tangent of the southeastern end of Shackleford Banks.

(b) A line drawn from Morehead City Channel Range Front Light to the seaward extremity of the Beaufort Inlet west jetty.

(c) A line drawn from the southernmost extremity of Bogue Banks at latitude 34°38.7′ N. longitude 77°06.0′ W. across Bogue Inlet to the northernmost extremity of Bear Beach at latitude 34°38.5′ N. longitude 77°07.1′ W.

(d) A line drawn from the tower charted in approximate position latitude 34°31.5′ N. longitude 77°20.8′ W. to the seaward tangent of the shoreline on the northeast side of New River Inlet.

(e) A line drawn across New Topsail Inlet between the closest extremities of the shore on either side of the inlet from latitude 34°20.8′ N. longitude 77°39.2′ W. to latitude 34°20.6′ N. longitude 77°39.6′ W.

(f) A line drawn from the seaward extremity of the jetty on the northeast side of Masonboro Inlet west to the shoreline approximately 0.6 mile southwest of the inlet.

(g) Except as provided elsewhere in this section from Cape Lookout to Cape Fear, lines drawn parallel with the general trend of the highwater shoreline across the entrance of small bays and inlets.

### § 82.530 Cape Fear, NC to Little River Inlet, NC.

(a) A line drawn from the abandoned lighthouse charted in approximate position latitude 33°52.4′ N. longitude 78°00.1′ W. across the Cape Fear River Entrance to Oak Island Light.

(b) Except as provided elsewhere in this section from Cape Fear to Little River Inlet, lines drawn parallel with the general trend of the highwater shoreline across the entrance to small inlets.

## SEVENTH DISTRICT

### § 82.703 Little River Inlet, SC to Cape Romain, SC.

(a) A line drawn from the westernmost extremity of the sand spit on Bird Island to the easternmost extremity of Waties Island across Little River Inlet.

(b) Lines drawn parallel with the general trend of the highwater shoreline across Hog Inlet, Murrels Inlet, Midway Inlet, Pawleys Inlet, and North Inlet.

(c) A line drawn from the charted position of Winyah Bay North Jetty End Buoy 2N south to the Winyah Bay South Jetty.

(d) A line drawn from Santee Point to the seaward tangent of Cedar Island.

(e) A line drawn from Cedar Island Point west to Murphy Island.

(f) A north-south line (longitude 79°20.3′ W.) drawn from Murphy Island to the northernmost extremity of Cape Island Point.

### § 82.707 Cape Romain, SC to Sullivans Island, SC.

(a) A line drawn from the western extremity of Cape Romain 292° true to Racoon Key on the west side of Racoon Creek.

(b) A line drawn from the westernmost extremity of Sandy Point across Bull Bay to the northernmost extremity of Northeast Point.

(c) A line drawn from the southernmost extremity of Bull Island to the easternmost extremity of Capers Island.

(d) A line formed by the overhead power cable from Capers Island to Dewees Island.

(e) A line formed by the overhead power cable from Dewees Island to Isle of Palms.

(f) A line formed by the centerline of the highway bridge between Isle of Palms and Sullivans Island over Breach Inlet.

### § 82.710 Charleston Harbor, SC.

(a) A line formed by the submerged north jetty from the shore to the west end of the north jetty.

(b) A line drawn from across the seaward extremity of the Charleston Harbor Jetties.

(c) A line drawn from the west end of the South Jetty across the South Entrance to Charleston Harbor to shore on a line formed by the submerged south jetty.

### § 82.712 Morris Island, SC to Hilton Head Island, SC.

(a) A line drawn from the Folly Island Loran Tower charted in approximate position latitude 32°41.0′ W. longitude 79°53.2′ W. to the abandoned lighthouse tower on the northside of Lighthouse Inlet; thence west to the shoreline of Morris Island.

(b) A straight line drawn from the seaward tangent of Folly Island through Folly River Daybeacon 10 across Stono River to the shoreline of Sandy Point.

(c) A line drawn from the southernmost extremity of Seabrook Island 257° true across the North Edisto River Entrance to the shore of Botany Bay Island.

(d) A line drawn from the microwave antenna tower on Edisto Beach charted in approximate position latitude 32°29.3′ N. longitude 80°19.2′ W. across St. Helena Sound to the abandoned lighthouse tower on Hunting Island.

(e) A line formed by the centerline of the highway bridge between Hunting Island and Fripp Island.

(f) A line drawn from the westernmost extremity of Bull Point on Capers Island to Port Royal Sound Channel Rear Range Light; thence 245° true to the easternmost extremity of Hilton Head at latitude 32°13.2′ N. longitude 80°40.1′ W.

### § 82.715 Savannah River.

A line drawn from the southernmost tank on Hilton Head Island charted in approximate position latitude 32°06.7′ N. longitude 80°49.3′ W. to Bloody Point Range Rear Light; thence to Tybee (Range Rear) Light.

### § 82.717 Tybee Island, GA to St. Simons Island, GA.

(a) A line drawn from the southernmost extremity of Savannah Beach on Tybee Island 255° true across Tybee Inlet to the shore of Little Tybee Island south of the entrance to Buck Hammock Creek.

(b) A straight line drawn from the northeasternmost extremity of Wassaw Island 031° true through Tybee River Daybeacon 1 to the shore of Little Tybee Island.

(c) A line drawn approximately parallel with the general trend of the highwater shorelines from the seaward tangent of Wassau Island to the seaward tangent of Bradley Point on Ossabaw Island.

(d) A north-south line (longitude 81°8.4′ W.) drawn from the southernmost extremity of Ossabaw Island to St. Catherines Island.

(e) A north-south line (longitude 81°10.6′ W.) drawn from the southernmost extremity of St. Catherines Island to Northeast Point on Blackbeard Island.

(f) A line following the general trend of the seaward highwater shoreline across Cabretta Inlet.

(g) A north-south line (longitude 81°16.9′ W.) drawn from the southwesternmost point on Sapelo Island to Wolf Island.

(h) A north-south line (longitude 81°17.1′ W.) drawn from the southeasternmost point of Wolf Island to the northeasternmost point on Little St. Simons Island.

(i) A line drawn from the northeasternmost extremity of Sea Island 045° true to Little St. Simons Island.

(j) An east-west line from the southernmost extremity of Sea Island across Goulds Inlet to St. Simons Island.

### § 82.720 St. Simons Island, GA to Amelia Island, FL.

(a) A line drawn from St. Simons Light to the northernmost tank on Jekyll Island charted in approximate position latitude 31°05.9′ N. longitude 81°24.5′ W.

(b) A line drawn from the southernmost tank on Jekyll Island charted in approximate position latitude 31°01.6′ N. longitude 81°25.2′ W. to coordinate latitude 30°59.4′ N. longitude 81°23.7′ W. (0.5 nautical mile east of the charted position of St. Andrew Sound Lighted Buoy 32); thence to the abandoned lighthouse tower on the north end of Little Cumberland Island charted in approximate position latitude 30°58.5′ N. longitude 81°24.8′ W.

(c) A line drawn across the seaward extremity of the St. Marys River Entrance Jetties.

### § 82.723 Amelia Island, FL to Cape Canaveral, FL.

(a) A line drawn from the southernmost extremity of Amelia Island to the northeasternmost extremity of Little Talbot Island.

(b) A line formed by the centerline of the highway bridge from Little Talbot Island to Fort George Island.

(c) A line drawn across the seaward extremity of the St. Johns River Entrance Jetties.

(d) A line drawn across the seaward extremity of the St. Augustine Inlet Jetties.

(e) A line formed by the centerline of the highway bridge over Matanzas Inlet.

(f) A line drawn across the seaward extremity of the Ponce de Leon Inlet Jetties.

### § 82.727 Cape Canaveral, FL to Miami Beach, FL.

(a) A line drawn across the seaward extremity of the Port Canaveral Entrance Channel Jetties.

(b) A line drawn across the seaward extremity of the Sebastian Inlet Jetties.

(c) A line drawn across the seaward extremity of the Fort Pierce Inlet Jetties.

(d) A north-south line (longitude 80°09.8′ W.) drawn across St. Lucie Inlet through St. Lucie Inlet Entrance Range Front Daybeacon.

(e) A line drawn from the seaward extremity of Jupiter Inlet North Jetty to the northeast extremity of the concrete apron on the south side of Jupiter Inlet.

(f) A line drawn across the seaward extremity of the Lake Worth Inlet Jetties.

(g) A line drawn across the seaward extremity of the South Lake Worth Inlet Jetties.

(h) A line drawn from Boca Raton Inlet North Jetty Light 2 to Boca Raton Inlet South Jetty Light 1.

(i) A line drawn from Hillsboro Inlet Light to Hillsboro Inlet Entrance Light 2; thence to Hillsboro Inlet Entrance Light 1; thence west to the shoreline.

(j) A line drawn across the seaward extremity of the Port Everglades Entrance Jetties.

(k) A line formed by the centerline of the highway bridge over Bakers Haulover Inlet.

### § 82.730 Miami Harbor, FL.

A line drawn across the seaward extremity of the Miami Harbor Government Cut Jetties.

### § 82.735 Miami, FL to Long Key, FL.

(a) A line drawn from the southernmost extremity of Fisher Island 211° true to the point latitude 25°45.1′ N. longitude 80°08.6′ W. on Virginia Key.

(b) A line formed by the centerline of the highway bridge between Virginia Key and Key Biscayne.

(c) A line drawn from the abandoned lighthouse tower on Cape Florida to Biscayne Channel Light 8; thence to the northernmost extremity on Soldier Key.

(d) A line drawn from the southernmost extremity on Soldier Key to the northernmost extremity of the Ragged Keys.

(e) A line drawn from the Ragged Keys to the southernmost extremity of Angelfish Key following the general trend of the seaward shoreline.

(f) A line drawn on the centerline of the Overseas Highway (U.S. 1) and bridges from latitude 25°19.3′ N. longitude 80°16.0′ W. at Little Angelfish Creek to the radar dome charted on Long Key at approximate position latitude 24°49.3′ N. longitude 80°49.2′ W.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

## Puerto Rico and Virgin Islands

### SEVENTH DISTRICT

### § 82.738 Puerto Rico and Virgin Islands.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on all other bays, harbors and lagoons of Puerto Rico and the U.S. Virgin Islands.

(b) A line drawn from Puerto San Juan Light to Cabras Light across the entrance of San Juan Harbor.

## Gulf Coast

### SEVENTH DISTRICT

### § 82.740 Long Key, FL to Cape Sable, FL.

A line drawn from the radar dome charted on Long Key at approximate position latitude 24°49.3′ N. longitude 80°49.2′ W. to Long Key Light 1; thence to Arsenic Bank Light 1; thence to Arsenic Bank Light 2; thence to Sprigger Bank Light 5; thence to Schooner Bank Light 6; thence to Oxfoot Bank Light 10; thence to East Cape Light 2; thence through East Cape Daybeacon 1A to the shoreline at East Cape.

### § 82.745 Cape Sable. FL to Cape Romano. FL.

(a) A line drawn following the general trend of the mainland, highwater shoreline from Cape Sable at East Cape to Little Shark River Light 1; thence to westernmost extremity of Shark Point; thence following the general trend of the mainland, highwater shoreline crossing the entrances of Harney River, Broad Creek, Broad River, Rodgers River First Bay, Chatham River, Huston River, to the shoreline at coordinate latitude 25°41.8′ N. longitude 18°17.9′ W.

(b) The 72 COLREGS shall apply to the waters surrounding the Ten Thousand Islands and the bays, creeks, inlets, and rivers between Chatham Bend and Marco Island except inside lines specifically described in this part.

(c) A north-south line drawn at longitude 81°20.2′ W. across the entrance to Lopez River.

(d) A line drawn across the entrance to Turner River parallel to the general trend of the shoreline.

(e) A line formed by the centerline of Highway 92 Bridge at Goodland.

### § 82.748 Cape Romano, FL to Sanibel Island, FL.

(a) A line drawn across Big Marco Pass parallel to the general trend of the seaward, highwater shoreline.

(b) A line drawn from the northwesternmost extremity of Coconut Island 000°T across Capri Pass.

(c) Lines drawn across Hurricane and Little Marco Passes parallel to the general trend of the seaward, highwater shoreline.

(d) A straight line drawn from Gordon Pass Light 4 through Daybeacon 5 to the shore.

(e) A line drawn across the seaward extremity of Doctors Pass Jetties.

(f) Lines drawn across Wiggins, Big Hickory, New, and Big Carlos Passes parallel to the general trend of the seaward highwater shoreland.

(g) A straight line drawn from Sanibel Island Light through Matanzas Pass Channel Light 2 to the shore of Estero Island.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, TIAS 8587; EO 11964; (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977, as amended by CGD 78-052, 44 FR 69298, Dec. 3, 1979]

### § 82.750 Sanibel Island, FL to St. Petersburg, FL.

(a) Lines drawn across Redfish and Captiva Passes parallel to the general trend of the seaward, highwater shorelines.

(b) A line drawn from La Costa Test Pile North Light to Port Boca Grande Light.

(c) Lines drawn across Gasparilla and Stump Passes parallel to the general trend of the seaward, highwater shorelines.

(d) A line across the seaward extremity of Venice Inlet Jetties.

(e) A line drawn across Midnight Pass parallel to the general trend of the seaward, highwater shoreline.

(f) A line drawn from Big Sarasota Pass Light 14 to the southernmost extremity of Lido Key.

(g) A line drawn across New Pass tangent to the seaward, highwater shoreline of Longboat Key.

(h) A line drawn across Longboat Pass parallel to the seaward, highwater shoreline.

(i) A line drawn from the northwesternmost extremity of Bean Point to the southeasternmost extremity of Egmont Key.

(j) A straight line drawn from Egmont Key Light through Egmont Channel Range Rear Light to the shoreline on Mullet Key.

(k) A line drawn from the northernmost extremity of Mullet Key across Bunces Pass and South Channel to Pass-a-Grille Light 8; thence to Pass-a-Grille Daybeacon 9; thence to the southwesternmost extremity of Long Key.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

### § 82.753 St. Petersburg, FL to the Anclote, FL.

(a) A line drawn across Blind Pass parallel with the general trend of the seaward, highwater shoreline.

(b) Lines formed by the centerline of the highway bridges over Johns and Clearwater Passes.

(c) A line drawn across Dunedin and Hurricane Passes parallel with the general trend of the seaward, highwater shoreline.

(d) A line drawn from the northernmost extremity of Honeymoon Island to Anclote Anchorage South Entrance Light 7; thence to Anclote Keys Light; thence a straight line through Anclote River Cut B Range Rear Light to the shoreline.

### § 82.755 Anclote, FL to the Suncoast Keys, FL.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Anclote to the Suncoast Keys.

(b) A north-south line drawn at longitude 82°38.3′ W. across the Chassahowitzka River Entrance.

### § 82.757 Suncoast Keys, FL to Horseshoe Point, FL.

(a) Except inside lines specifically decribed in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, and marinas from the Suncoast Keys to Horseshoe Point.

(b) A line formed by the centerline of Highway 44 Bridge over the Salt River.

(c) A north-south line drawn through Crystal River Entrance Daybeacon 25 across the river entrance.

(d) A north-south line drawn through the Cross Florida Barge Canal Daybeacon 38 across the canal.

(e) A north-south line drawn through Withlacoochee River Daybeacon 40 across the river.

(f) A line drawn from the westernmost extremity of South Point north to the shoreline across the Waccasassa River Entrance.

(g) A line drawn from position latitude 29°16.6′ N. longitude 83°06.7′ W. 300° true to the shoreline of Hog Island.

(h) A north-south line drawn through Suwannee River West Pass Daybeacons 27 and 28 across the Suwannee River.

### § 82.760 Horseshoe Point, FL to Rock Islands, FL.

(a) Except inside lines specifically described provided in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Horseshoe Point to the Rock Islands.

(b) A north-south line drawn through Steinhatchee River Light 21.

(c) A line drawn from Fenholloway River Approach Light FR east across the entrance to Fenholloway River.

## EIGHTH DISTRICT

### § 82.805 Rock Island, FL to Cape San Blas, FL.

(a) A south-north line drawn from the Econfina River Light to the opposite shore.

(b) A line drawn from Gamble Point Light to the southernmost extremity of Cabell Point.

(c) A line drawn from St. Marks (Range Rear) Light to St. Marks Channel Light 11; thence to the southernmost extremity of Live Oak Point; thence through Shell Point Light to the southernmost extremity of Ochlockonee Point; thence to Bald Point.

(d) A line drawn from the south shore of Southwest Cape at longitude 84°22.7′ W. to Dog Island Reef East Light 1; thence to Turkey Point Light 2; thence to the easternmost extremity of Dog Island.

(e) A line drawn from the westernmost extremity of Dog Island to the easternmost extremity of St. George Island.

(f) A line drawn across the seaward extremity of the St. George Island Channel Jetties.

(g) A line drawn from the northwesternmost extremity of Sand Island to West Pass Light 7.

(h) A line drawn from the westernmost extremity of St. Vincent Island to the southeast, highwater shoreline of Indian Peninsula at Longitude 85°13.5′ W.

### § 82.810 Cape San Blas, FL to Perdido Bay, FL.

(a) A line drawn from St. Joseph Range A Rear Light through St. Joseph Range B Front Light to St. Joseph Point.

(b) A line drawn across the mouth of Salt Creek as an extension of the general trend of the shoreline.

(c) A line drawn from the northernmost extremity of Crooked Island 000° T. to the mainland.

(d) A line drawn from the easternmost extremity of Shell Island 120° true to the shoreline across the east entrance to St. Andrews Bay.

(e) A line drawn between the seaward end of the St. Andrews Bay Entrance Jetties.

(f) A line drawn between the seaward end of the Choctawatchee Bay Entrance Jetties.

(g) A west-east line drawn from Fort McGee Leading Light across the Pensacola Bay Entrance.

(h) A line drawn between the seaward end of the Perdido Pass Jetties.

### § 82.815 Mobile Bay, AL to the Chandeleur Islands, LA.

(a) A line drawn across the inlets to Little Lagoon as an extension of the general trend of the shoreline.

(b) A line drawn from Mobile Point Light to Dauphin Island Spit Light to the eastern corner of Fort Gaines at Pelican Point.

(c) A line drawn from the westernmost extremity of Dauphin Island to the easternmost extremity of Petit Bois Island.

(d) A line drawn from Horn Island Pass Entrance Range Front Light on Petit Bois Island to the easternmost extremity of Horn Island.

(e) An east-west line (latitude 30°14.7′ N.) drawn between the westernmost extremity of Horn Island to the easternmost extremity of Ship Island.

(f) A curved line drawn following the general trend of the seaward, highwater shoreline of Ship Island.

(g) A line drawn from Ship Island Light; thence to Chandeleur Light; thence in a curved line following the general trend of the seaward, highwater shorelines of the Chandeleur Islands to the island at coordinate latitude 29°31.1′ N. longitude 89°05.7′ W.; thence to Brenton Island Light located at latitude 29°29.1′ N. longitude 89°09.7′ W.

### § 82.820 Mississippi River.

The Pilot Rules for Western Rivers are to be followed in the Mississippi River and its tributaries above the Huey P. Long Bridge.

### § 82.825 Mississippi Passes, LA.

(a) A line drawn from Brenton Island Light to coordinate latitude 29°21.5′ N. longitude 89°11.7′ W.

(b) A line drawn from coordinate latitude 29°21.5′ N. longitude 89°11.7′ W. following the general trend of the seaward, highwater shoreline in a southeasterly direction to coordinate latitude 29°12.4′ N. longitude 89°06.0′ W.; thence following he general trend of the seaward, highwater shoreline in a northeasterly direction to coordinate latitude 29°13.0′ N. longitude 89°01.3′ W. located on the northwest bank of North Pass.

(c) A line drawn from coordinate latitude 29°13.0′ N. longitude 89°01.3′ W. to coordinate latitude 29°12.7′ N. longitude 89 0.9′ W.; thence coordinate latitude 29°10.6′ N. longitude 8°59.8′ W.; thence coordinate latitude 29°03.5′ N. longitude 89°03.7′ W., thence Mississippi River South Pass East Jetty Light 4.

(d) A line drawn from Mississippi River South Pass East Jetty Light 4 to Mississippi River South Pass West Jetty Light; thence following the general trend of the seaward highwater shoreline in a northwesterly direction to coordinate latitude 29°03.4′ N. longitude 89°13.0′ W.; thence west to coordinate latitude 29°03.5′ N., longitude 89°15.5′ W., thence following the general trend of the seaward, highwater shoreline in a southwesterly direction to Mississippi River Southwest Pass Entrance Light.

(e) A line drawn from Mississippi River Southwest Pass Entrance Light; thence to the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5′ N. longitude 89°26.1′ W.

### § 82.830 Mississippi Passes, LA to Point Au Fer, LA.

(a) A line drawn from the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5′ N. longitude 89°26.1′ W.; thence following the general trend of the seaward, highwater jetty and shoreline in a north, northeasterly direction to Old Tower latitude 28°58.8′ N. longitude 89°23.3′ W., thence to West Bay light; thence to coordinate latitude 29°05.2′ N. longitude 89°24.3′

W.; thence a curved line following the general trend of the highwater shoreline to Point Au Fer Island except as otherwise described in this section.

(b) A line drawn across the seaward extremity of the Empire Waterway (Bayou Fontanelle) entrance jetties.

(c) A line drawn from Barataria Bay Light to the Grand Isle Fishing Jetty Light.

(d) A line drawn between the seaward extremity of the Belle Pass Jetties.

(e) A line drawn from the westernmost extremity of the Timbolies Island to the easternmost extremity of Isles Dernieres.

(f) A south-north line drawn from Caillou Bay Light 13 across Caillou Boca.

(g) A line drawn 107° true from Caillou Bay Boat Landing Light across the entrances to Grand Bayou du Large and Bayou Grand Caillou.

(h) A line drawn on an axis of 103° true through Taylors Bayou Light across the entrances to Jack Stout Bayou, Taylors Bayou, Pelican Pass, and Bayou de West.

### § 82.835 Point Au Fer, LA to Calcasieu Pass, LA.

(a) A line drawn from Point Au Fer to Atchafalaya Channel Light 32; thence Point Au Fer Reef Light; Atchafalaya Bay Pipeline Light D latitude 29°25.0′ N. longitude 91°31.7′ W.; thence Atchafalaya Bay Light 1 latitude 29°25.3′ N. longitude 91°35.8′ W.; thence South Point.

(b) Lines following the general trend of the highwater shoreline drawn across the bayou canal inlet from the Gulf of Mexico between South Point and Calcasieu Pass except as otherwise described in this section.

(c) A line drawn on an axis of 130° T. through Vermillion Bay Light 2 across Southwest Pass.

(d) A line drawn across the seaward extremity of the Freshwater Bayou Canal Entrance Jetties.

(e) A line drawn from Mermentau River Channel Light 4 to Mermentau River Channel Light 5.

(f) A line drawn from the radio tower charted in approximate position latitude 29°45.7′ N. longitude 93 06.3′ W. 160° true across Mermentau Pass.

(g) A line drawn across the seaward extremity of the Calcasieu Pass Jetties.

### § 82.840 Sabine Pass, TX to Galveston, TX.

(a) A line drawn from the Sabine Pass East Jetty Light to the seaward end of the Sabine Pass West Jetty.

(b) Lines drawn across the small boat passes through the Sabine Pass East and West Jetties.

(c) A line formed by the centerline of the highway bridge over Rollover Pass at Gilchrist.

### § 82.845 Galveston, TX to Freeport, TX.

(a) A line drawn from Galveston North Jetty Light to Galveston South Jetty Light.

(b) A line formed by the centerline of the highway bridge over San Luis Pass.

(c) Lines formed by the centerlines of the highway bridges over the inlets to Christmas Bay (Cedar Cut) and Drum Bay.

(d) A line drawn from the seaward extremity of the Freeport North Jetty to Freeport Entrance Light 6; thence Freeport Entrance Light 7; thence the seaward extremity of Freeport South Jetty.

### § 82.850 Brazos River, TX to the Rio Grande, TX.

(a) Except as otherwise described in this section lines drawn continuing the general trend of the seaward, highwater shorelines across the inlets to Brazos River Diversion Channel, San Bernard River, Cedar Lakes, Brown Cedar Cut, Colorado River, Matagorda Bay, Cedar Bayou, Corpus Christi Bay, and Laguna Madre.

(b) A line drawn across the seaward extremity of Matagorda Ship Channel North Jetties.

(c) A line drawn from the seaward tangent of Matagorda Peninsula at Decros Point to Matagorda Daybeacon 2; thence to Matagorda Light.

(d) A line drawn across the seaward extremity of the Aransas Pass Jetties.

(e) A line drawn across the seaward extremity of the Port Mansfield Entrance Jetties.

(f) A line drawn across the seaward extremity of the Brazos Santiago Pass Jetties.

## PACIFIC COAST

### ELEVENTH DISTRICT

**§ 82.1105 Santa Catalina Island, CA.**

The 72 COLREGS shall apply to the harbors on Santa Catalina Island.

**§ 82.1110 San Diego Harbor, CA.**

A line drawn from Zunica Jetty Light "V" to Zunica Jetty Light "Z"; thence to Point Loma Light.

**§ 82.1115 Mission Bay, CA.**

A line drawn from Mission Bay South Jetty Light 2 to Mission Bay North Jetty Light 1.

**§ 82.1120 Oceanside Harbor, CA.**

A line drawn from Oceanside South Jetty Light 4 to Oceanside Breakwater Light 3.

**§ 82.1125 Dana Point Harbor, CA.**

A line drawn from Dana Point Jetty Light 6 to Dana Point Breakwater Light 5.

**§ 82.1130 Newport Bay, CA.**

A line drawn from Newport Bay East Jetty Light 4 to Newport Bay West Jetty Light 3.

**§ 82.1135 San Pedro Bay—Anaheim Bay, CA.**

(a) A line drawn from Anaheim Bay East Jetty Light 6 to Anaheim Bay West Jetty Light 5; thence to Long Beach Breakwater East End Light.

(b) A line drawn from Long Beach Channel Entrance Light 2 to Long Beach Light.

(c) A line drawn from Los Angeles Main Entrance Channel Light 2 to Los Angeles Light.

**§ 82.1140 Redondo Harbor, CA.**

A line drawn from Redondo Beach East Jetty Light 2 to Redondo Beach West Jetty Light 3.

**§ 82.1145 Marina Del Rey, CA.**

(a) A line drawn from Marina Del Rey Breakwater South Light 1 to Marina Del Rey Light 4.

(b) A line drawn from Marina Del Rey Breakwater North Light 2 to Marina Del Rey Light 3.

(c) A line drawn from Marina Del Rey Light 4 to the seaward extremity of the Ballona Creek South Jetty.

**§ 82.1150 Port Hueneme, CA.**

(a) A line drawn from Port Hueneme East Jetty Light 4 to Port Hueneme West Jetty Light 3.

**§ 82.1155 Channel Islands Harbor, CA.**

(a) A line drawn from Channel Islands Harbor South Jetty Light 2 to Channel Islands Harbor Breakwater South Light 1.

(b) A line drawn from Channel Islands Harbor Breakwater North Light to Channel Islands Harbor North Jetty Light 5.

**§ 82.1160 Ventura Marina, CA.**

A line drawn from Ventura Marina South Jetty Light 2 to Ventura Marina Breakwater South Light 1; thence to Ventura Marina North Jetty Light 3.

**§ 82.1165 Santa Barbara Harbor, CA.**

A line drawn from Santa Barbara Harbor Light 4 to Santa Barbara Harbor Breakwater Light.

### TWELFTH DISTRICT

**§ 82.1205 San Luis Obispo Bay, CA.**

A line drawn from the southernmost extremity of Fossil Point to the seaward extremity of Whaler Island Breakwater.

**§ 82.1210 Estero-Morro Bay, CA.**

A line drawn from the seaward extremity of the Morro Bay East Breakwater to the Morro Bay West Breakwater Light.

**§ 82.1215 Monterey Harbor, CA.**

A line drawn from Monterey Harbor Light 6 to the northern extremity of Monterey Municipal Wharf 2.

**§ 82.1220 Moss Landing Harbor, CA.**

A line drawn from the seaward extremity of the pier located 0.3 mile south of Moss Landing Harbor Entrance to the seaward extremity of the

Moss Landing Harbor North Breakwater.

**§ 82.1225 Santa Cruz Harbor, CA.**

A line drawn from the seaward extremity of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater Light; thence to Santa Cruz Light.

**§ 82.1230 Piller Point Harbor, CA.**

A line drawn from Pillar Point Harbor Light 6 to Pillar Point Harbor Light 5.

**§ 82.1250 San Francisco Harbor, CA.**

A straight line drawn from Point Bonita Light through Mile Rocks Light to the shore.

**§ 82.1255 Bodega and Tomales Bay, CA.**

(a) An east-west line drawn from Sand Point to Avalis Beach.

(b) A line drawn from the seaward extremity of Bodega Harbor North Breakwater to Bodega Harbor Entrance Light 1.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

**§ 82.1260 Albion River, CA.**

A line drawn on an axis of 030° true through Albion River Light 1 across Albion Cove.

**§ 82.1265 Noyo River, CA.**

A line drawn from Noyo River Entrance Daybeacon 4 to Noyo River Entrance Light 5.

**§ 82.1270 Arcata-Humboldt Bay, CA.**

A line drawn from Humboldt Bay Entrance Light 4 to Humboldt Bay Entrance Light 3.

**§ 82.1275 Crescent City Harbor, CA.**

A line drawn from Crescent City Outer Breakwater Light to the southeasternmost extremity of Whaler Island.

## THIRTEENTH DISTRICT

**§ 82.1305 Chetco River, OR.**

A line drawn from the seaward extremity of the Chetco River South Jetty to Chetco River Entrance Light 5.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

**§ 82.1310 Rogue River, OR.**

A line drawn from the seaward extremity of the Rogue River Entrance South Jetty to Rogue River North Jetty Light 3.

**§ 82.1315 Coquille River, OR.**

A line drawn across the seaward extremity of the Coquille River Entrance Jetties.

**§ 82.1320 Coos Bay, OR.**

A line drawn across the seaward extremity of the Coos Bay Entrance Jetties.

**§ 82.1325 Umpqua River, OR.**

A line drawn across the seaward extremity of the Umpqua River Entrance Jetties.

**§ 82.1330 Siuslaw River, OR.**

A line drawn from the seaward extremity of the Siuslaw River Entrance South Jetty to Siuslaw River Light 9.

**§ 82.1335 Alsea Bay, OR.**

A line drawn from the seaward shoreline on the north of the Alsea Bay Entrance 165° true across the channel entrance.

**§ 82.1340 Yaquina Bay, OR.**

A line drawn from the seaward extremity of Yaquina Bay Entrance South Jetty to Yaquina Bay North Jetty Light 5.

**§ 82.1345 Depoe Bay, OR.**

A line drawn across the Depoe Bay Channel entrance parallel with the general trend of the highwater shoreline.

**§ 82.1350 Netarts Bay, OR.**

A line drawn from the northernmost extremity of the shore on the south side of Netarts Bay north to the opposite shoreline.

**§ 82.1355 Tillamook Bay, OR.**

A north-south line drawn from the lookout tower charted on the north side of the entrance to Tillamook Bay south to the Tillamook Bay South Jetty.

### § 82.1360 Nehalem River, OR.

A line drawn approximately parallel with the general trend of the high-water shoreline across the Nehalem River Entrance.

### § 82.1365 Columbia River Entrance, OR/WA.

A line drawn from the seaward extremity of the Columbia River North Jetty (above water) 155° true to the seaward extremity of the Columbia River South Jetty (above water).

### § 82.1370 Willapa Bay, WA.

A line drawn from Willapa Bay Light 171° true to the westernmost tripod charted 1.6 miles south of Leadbetter Point.

### § 82.1375 Grays Harbor, WA.

A line drawn from across the seaward extemity (above water) of the Grays Harbor Entrance Jetties.

### § 82.1380 Quillayute River, WA.

A line drawn from the seaward extremity of the Quillayute River Entrance East Jetty to the overhead power cable tower charted on James Island; thence a straight line through Quillayute River Entrance Light 3 to the shoreline.

### § 82.1385 Strait of Juan de Fuca.

(a) The 72 COLREGS shall apply on Neah Bay and the waters inside Ediz Hook (Port Angeles Harbor).

(b) A line drawn from New Dungeness Light through Puget Sound Traffic Lane Entrance Lighted Buoy S to Rosario Strait Traffic Lane Entrance Lighted Horn Buoy R; through Hein Bank Lighted Bell Buoy to Cattle Point Light.

### § 82.1390 Haro Strait and Strait of Georgia.

(a) The 72 COLREGS shall apply on the bays of the southwest coast of San Juan Island from Cattle Point Light to Lime Kiln Light.

(b) A line drawn from Lime Kiln Light to Kellett Bluff Light; thence to Turn Point Light; thence to Skipjack Island Light; thence to Sucia Island Daybeacon 1.

(c) A line drawn from the shoreline of Sucia Island at latitude 48°46.1′ N. longitude 122°53.5′ W. through Clements Reef Buoy 2 to Alden Bank Lighted Gong Buoy A; thence to the westernmost tip of Birch Point at latitude 48°56.6′ N. longitude 122°49.2′ W.

(d) The 72 COLREGS shall apply in Semiamoo Bay and Drayton Harbor.

## PACIFIC ISLANDS

## FOURTEENTH DISTRICT

### § 82.1410 Hawaiian Island Exemption from General Rule.

Except as provided elsewhere in this part for Mamala Bay and Kaneohe Bay on Oahu; Port Allen and Nawiliwili Bay on Kauai; Kahului Harbor on Maui; and Kawailae and Hilo Harbors on Hawaii, the 72 COLREGS shall apply on all other bays, harbors, and lagoons of the Hawaiian Island (including Midway).

### § 82.1420 Mamala Bay, Oahu, HI.

A line drawn from Barbers Point Light to Diamond Head Light.

### § 82.1430 Kaneohe Bay, Oahu, HI.

A straight line drawn from Pyramid Rock Light across Kaneohe Bay through the center of Mokolii Island to the shoreline.

### § 82.1440 Port Allen, Kauai, HI.

A line drawn from Hanapepe Light to Hanapepe Bay Breakwater Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

### § 82.1450 Nawiliwili Harbor, Kauai, HI.

A line drawn from Nawiliwili Harbor Breakwater Light to Kukii Point Light.

### § 82.1460 Kahului Harbor, Maui, HI.

A line drawn from Kahului Harbor Entrance East Breakwater Light to Kahului Harbor Entrance West Breakwater Light.

### § 82.1470 Kawaihae Harbor, Hawaii, HI.

A line drawn from Kawaihae Light to the seaward extremity of the Kawaihae South Breakwater.

### § 82.1480 Hilo Harbor, Hawaii, HI.

A line drawn from the seaward extremity of the Hilo Breakwater 265° true (as an extension of the seaward side of the breakwater) to the shoreline 0.2 nautical mile north of Alealea Point.

### § 82.1490 Apra Harbor, U.S. Territory of Guam.

A line drawn from the westernmost extremity of Orote Island to the westernmost extremity of Glass Breakwater.

### § 82.1495 U.S. Pacific Island Possessions.

The 72 COLREGS shall apply on the bays, harbors, lagoons, and waters surrounding the U.S. Pacific Island Possessions of American Samoa, Baker, Canton, Howland, Jarvis, Johnson, Palmyra, Swains and Wake Island. (The Trust Territory of the Pacific Islands is not a U.S. possession, and therefore Part 82 does not apply thereto.)

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977]

## ALASKA

### SEVENTEENTH DISTRICT

### § 82.1705 Alaska.

The 72 COLREGS shall apply on all the sounds, bays, harbors, and inlets of Alaska.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, T.I.A.S. 8587; E. O. 11964 (14 U.S.C. 2); Pub. L. 95-75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

[CGD 79-036, 44 FR 22458, Apr. 16, 1978]

## PART 84—TOWING OF BARGES

Sec.

84.01 Application.
84.05 Tows of seagoing barges within inland waters.
84.10 Hawser lengths for all tows on inland waters.
84.20 Bunching of tows.

AUTHORITY: Sec. 14, 35 Stat. 428 as amended (33 U.S.C. 152), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

### § 84.01 Application.

(a) The regulations in this part apply to vessels navigating the harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(b) Seagoing barges and their towing vessels shall be subject to the requirements in this part under the provisions of section 14 of the Act of May 28, 1908, as amended (sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 152). Under the provisions of section 15 of the Act of May 28, 1908, as amended (sec. 15, 35 Stat. 429; 33 U.S.C. 153), the penalty for use of an unlawful towline shall be an action against the master of the towing vessel seeking the suspension or revocation of his license.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 66-59, 31 FR 13647, Oct. 22, 1966]

### § 84.05 Tows of seagoing barges within inland waters.

(a) The tows of seagoing barges when navigating the inland waters of the United States shall be limited in length to five vessels, including the towing vessel or vessels.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960]

### § 84.10 Hawser lengths for all tows on inland waters.

(a) The length of hawsers between vessels shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit: *Provided*, That where, in the opinion of the master of the towing vessel, it is dangerous or inadvisable, whether on account of the state of weather or sea or otherwise, to limit hawser lengths, the 450-foot limitation need not apply.

(b) In any event the hawsers between vessels must be shortened to the prescribed length of not more than 450 feet (75 fathoms) when the tows with inland or seagoing barges are operating in the following named localities:

(1) The James River and Hampton Roads westward of Thimble Shoal Light.

(2) The Chesapeake Bay north of the Chesapeake Bay Bridge.

(3) New York Harbor north of West Bank Light and west of Fort Schuyler.

(4) Delaware Bay north of Elbow of Cross Ledge Light.

(5) Narragansett Bay north of Brenton Reef Light.

(6) Puget Sound south of West Point.

[CGFR 64-21, 29 FR 5731, Apr. 30, 1964, as amended by CGFR 66-59, 31 FR 13647, Oct. 22, 1966]

### § 84.20 Bunching of tows.

(a) In all cases where tows can be bunched, it should be done.

(b) Tows navigating in the North and East Rivers of New York must be bunched above a line drawn between Robbins Reef Light and Owls Head, Brooklyn, but the quarantine anchorage and the north entrance to Ambrose Channel shall be avoided in the process of bunching tows.

(c) Tows must be bunched above the mouth of the Schuylkill River, Pa.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 64-21, 29 FR 5733, Apr. 30, 1964]

## PART 85—INTERPRETIVE RULINGS—INTERNATIONAL RULES [RESERVED]

## PART 86—INTERPRETIVE RULINGS—INLAND RULES

### Subpart 86.01—General Provisions

Sec.
86.01-1 Scope.
86.01-10 Penalties and violations.
86.01-12 Coast Guard vessels of special construction or purpose.

### Subpart 86.05—Navigation Lights

86.05-1 White lights for motorboats carried on centerline.
86.05-5 Stern lights for all vessels.
Sec.
86.05-10 Navigational lights for barges traversing both international and inland waters.

### Subpart 86.10—Steering and Sailing

86.10-1 Bend signal and subsequent meeting situation.

AUTHORITY: Sec. 1, 80 Stat. 383, as amended, sec. 1, 63 Stat. 545, sec. 6(b)(1), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), unless otherwise noted.

## Subpart 86.01—General Provisions

SOURCE: CGFR 59-5, 24 FR 3506, May 1, 1959, unless otherwise noted.

### § 86.01-1 Scope.

The regulations in this part are interpretive rulings with respect to "Rules of the Road" requirements applicable to all vessels while in the harbors, rivers, and other inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal and the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

### § 86.01-10 Penalties and violations.

(a) Failure to comply with any law as interpreted will be considered as a violation of such law and the penalty may be assessed as provided by law.

(b) The reports of violations of the "Rules of the Road," as well as the assessment, collection, mitigation or remission of civil penalties authorized by law, shall be in accordance with 46 CFR 2.50-20 to 2.50-30, inclusive (Subchapter A—Procedures Applicable to the Public).

### § 86.01-12 Coast Guard vessels of special construction or purpose.

Each Coast Guard vessel of special construction that cannot comply with the provisions of the Act of June 7, 1897, as amended (30 Stat. 96-103; 33 U.S.C. 151-232) concerning the number, position, range of visibility, or arc of visibility of lights, is listed in Appendix B of Subchapter DD of this chapter.

(Sec. 1, 59 Stat. 590 (33 U.S.C 360); sec. 6, International Navigational Rules Act of 1977 (Pub. L. 95-75; 91 Stat. 308); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); E.O. 11964; 49 CFR 1.46(b))

[CGD 76-134, 42 FR 57648, Nov. 3, 1977]

## Subpart 86.05—Navigation Lights

SOURCE: CGFR 59-5, 24 FR 3506, May 1, 1959, unless otherwise noted.

### § 86.05-1 White lights for motorboats carried on centerline.

Every white light required by section 3 of the Act of April 25, 1940, as amended (46 U.S.C. 526b), shall be carried on the centerline of the motorboat, except that the all-around white light aft on a motorboat of Class A or 1 may be carried off the centerline.

### § 86.05-5 Stern lights for all vessels.

Article 10 of section 1 of the Act of June 7, 1897, as amended by the Act of August 14, 1958 (33 U.S.C. 179), requires "A vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, * * *" and this requirement shall be applied to all vessels, including but not limited to, tugs, barges, sail vessels, motorboats when propelled by sail alone, etc.

### § 86.05-10 Navigational lights for barges traversing both international and inland waters.

Notwithstanding the provisions of § 80.16b of this chapter, every barge which shall have occasion during its voyage to operate upon waters to which the International Regulations for Prevention of Collisions at Sea pertain, may, for the duration of said voyage, display the navigational lights and shapes required by International Rule 5 (33 U.S.C. 1065).

(Sec. 2, 30 Stat. 102; 33 U.S.C. 157)

[CGFR 69-89, 34 FR 17478, Oct. 29, 1969, as amended by CGFR 72-52R, 37 FR 5383, Mar. 15, 1972]

## Subpart 86.10—Steering and Sailing

### § 86.10-1 Bend signal and subsequent meeting situation.

Article 18, Rule V, and Article 18, Rule IX, of section 1, of the Act of June 7, 1897, as amended (33 U.S.C. 203), must be read together and followed after a bend signal is answered and the word "immediately" as used in Rule V shall be construed to require the exchange of sound signals for passing immediately upon sighting the other vessel.

[CGFR 59-18, 24 FR 4104, May 21, 1959]

# SUBCHAPTER DD—IMPLEMENTATION AND INTERPRETATION OF THE 72 COLREGS

**SPECIAL NOTE: [illegible] of the 72 COLREGS to territories and possessions.**

a. Article III of the Convention on the International Regulations for Preventing Collisons at Sea, 1972 (72 COLREGS), done at London, October 20, 1972, as rectified by Proces-Verbal of December 1, 1973, provides that a party may notify the Secretary-General of the Intergovernmental Maritime Consultative Organization that it extends the application of the Convention to territory for which it is responsible for international relations. Since it is the intention of the United States that the 72 COLREGS apply to all U.S. territories and possessions to the same extent that the International Regulations for Preventing Collisions at Sea, 1960 (60 COLREGS) (16 USC 794, TIAS 5813) previously applied, the United States has given notice to the Secretary-General that the provisions of the 1972 COLREGS are applicable on July 15, 1977, to the following territories and possessions for which the United States is responsible for international relations:

Puerto Rico
Guam
The Canal Zone
The Virgin Islands of the United States
American Samoa
The Trust Territory of the Pacific Islands
Midway Island
Wake Island
Johnston Island
Palmyra Island
Kingman Reef
Howland Island
Baker Island
Jarvis Island
Navassa Island

b. In accordance with Article III, other parties to the Convention have notified the Secretary-General that application of 72 COLREGS is extended. These parties with their territorial extensions are listed in Table 1.

TABLE 1. TERRITORIAL EXTENSIONS OF OTHER PARTIES TO 72 COLREGS

| *Party to Convention* | *Territories to which 72 COLREGS are Extended* |
|---|---|
| United Kingdom | Hong Kong |

Because earlier formulations of the COLREGS were not elaborated as treaties, they came into force by the almost simultaneous enactment of domestic legislation by the majority of maritime nations. The COLREGS were judicially considered as being customary international law, that is to say international law based upon the consensus of maritime nations rather than upon an express instrument. Because 72 COLREGS was elaborated as a treaty, and under usual treaty practice only parties are bound, there may be a period of time after the 72 COLREGS come into force during which the ships of a nation not party to 72 COLREGS might not be considered as being bound to comply with the convention. While it is most likely that the 72 COLREGS will rapidly achieve the status of customary international law, thereby obviating any concern on the part of the mariner as to whether a particular nation is a party, it does not necessarily follow that the courts in all nations will apply 72 COLREGS to the vessels of a non-party nation. In the absence of changes in their domestic law there may be certain nations that will feel compelled to continue 60 COLREGS in force, despite the coming into force of 72 COLREGS.

The following nations are Contracting Parties for which 72 COLREGS will apply upon the Convention's entry into force:

Algeria
Bahamas
Belgium
Brazil
Bulgaria
Canada
Denmark
Finland
France
German Democratic Republic
Germany, Federal Republic
Ghana
Greece
Hungary
Iceland
India
Liberia
Mexico
Monaco
Netherlands
New Zealand
Nigeria
Norway
Papua New Guinea
Poland
Romania
South Africa
Spain
Sweden
Switzerland
Syrian Arab Republic
USSR
United Kingdom
United States
Yugloslavia
Zaire

The following nations have accepted the 60 COLREGS but are not Contracting Parties to 72 COLREGS:

Argentina
Australia
Austria
Barbados
Burma
China
Cuba
Cyprus
Czechoslovakia
Ecuador
Egypt
Fiji
Gambia
Indonesia
Ireland
Israel

Italy
Ivory Coast
Jamaica
Japan
Kuwait
Lebanon
Libyan Arab Republic
Madagascar
Maldives
Morocco
Oman
Pakistan
Paraguay
Peru
Philippines
Portugal
Republic of Korea
Singapore
Surinam
Tonga
Trinidad & Tobago
Tunisia
Turkey
United Republic of Cameroon

[CGD 77-075, 42 FR 26976, May 26, 1977]

## PART 87—72 COLREGS: IMPLEMENTING RULES

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87.1 Definitions.

ALTERNATIVE COMPLIANCE

87.5 Application for a Certification for Alternative Compliance.
87.9 Certification for Alternative Compliance: Contents.
87.13 Certification for Alternative Compliance: Expiration.
87.17 Certification for Alternative Compliance: Termination.
87.18 Notice of certification of vessels of special construction or purpose.

EXEMPTIONS

87.20 Lights and sound signal appliances.

APPENDIX A—PROCLAMATION OF JANUARY 19, 1977 AND 72 COLREGS.
APPENDIX B—ALTERNATE COMPLIANCE FOR LIGHTS AND SHAPES BY CERTAIN COAST GUARD VESSELS.

AUTHORITY: Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as Rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b), unless otherwise noted.

SOURCE: CGD 76-130, 42 FR 17111, Mar. 31, 1977, unless otherwise noted.

### § 87.1 Definitions.

As used in this subchapter:

"72 COLREGS" refers to the International Regulations for Preventing Collisions at Sea, 1972, done at London, October 20, 1972, as rectified by the Proces-Verbal of December 1, 1973, accepted by the United States on November 23, 1976, and for which the date of entry into force is July 15, 1977.

"A vessel of special construction or purpose" means a vessel that cannot comply fully with the provisions of the 72 COLREGS with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interference with the special function of the vessel.

"Interference with the special function of the vessel" occurs when installation or use of lights, shapes, or sound-signalling appliances under the 72 COLREGS prevents or significantly hinders the operation in which the vessel usually engaged.

[CGD 76-130, 42 FR 17111, Mar. 31, 1977, as amended by CGD 76-133, 42 FR 35792, July 11, 1977]

ALTERNATIVE COMPLIANCE

### § 87.5 Application for a Certification for Alternative Compliance.

(a) The owner of a vessel who considers that his vessel may be a vessel of special contruction or purpose may apply to the Coast Guard for that determination and for a Certification for Alternative Compliance for deviation from the 72 COLREGS. The application must be in writing, and be sent to Commandant (G-WLE/73), U.S. Coast Guard, Washington, D.C. 20593. The application must include:

(1) The vessel owner's name, address, and telephone number.

(2) Vessel identification, with one of the following:

(i) Official number.

(ii) Hull identification number.

(iii) State number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certification for Alternative Compliance is sought, including—

(i) The 72 COLREGS Rule or Annex Section number for which the Certifiction for Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex Section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) The preferred alternative installation that would result in non-interference with the special function of the vessel and that would satisfy the closest possible compliance provision of Rule 1(e) of the 72 COLREGS.

(7) If documented or to be documented, a certified copy of the vessel's plans that clearly show both the required installation and the preferred alternative installation of the equipment for which the Certification is being sought or the reason, in writing, why certified plans are not available.

(8) If not documented or not to be documented, of if documented or to be documented and a certified copy of the vessel's plans are not available, an accurate scale drawing of the vessel showing both the required and preferred alternative installation.

(b) The Coast Guard may request from the vessel's owner additional information concerning the application.

### § 87.9 Certification for Alternative Compliance: Contents.

The Coast Guard issues the Certification for Alternative Compliance to the vessel when it determines that the vessel is a vessel of special construction or purpose. This Certification includes—

(a) The vessel's official number, hull identification number, or state number, if the vessel does not have an official number or hull identification number;

(b) The provision of the 72 COLREGS for which the Certification authorizes alternative compliance;

(c) A certification that the vessel is of special construction or purpose because full compliance with the stated provision of the 72 COLREGS would create interference with the special function of the vessel;

(d) A statement as to the manner in which full compliance would create interference with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is the closest possible compliance by that vessel with the stated provision of the 72 COLREGS without interference with the special function of the vessel;

(g) The date of issuance;

(h) The expiration date; and

(i) A statement that the Certification for Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the Certification is issued.

### § 87.13 Certification for Alternative Compliance: Expiration.

(a) The Certification for Alternative Compliance expires on June 30th of the calendar year 5 years after the date of issuance.

(b) The owner of the vessel may request, in writing, a renewal of the Certification at least 90 days before the expiration date.

### § 87.17 Certification for Alternative Compliance: Termination.

If there is a change in the operation in which the vessel is usually engaged, the Certification for Alternative Compliance terminates.

NOTE: The Coast Guard publishes a notice in the FEDERAL REGISTER for each Certification for Alternative Compliance issued.

### § 87.18 Notice of certification of vessels of special construction or purpose.

(a) Each vessel issued a Certificate for Alternative Compliance under this part is listed in Appendix C [1] of this part.

(b) Each Coast Guard vessel of special construction or purpose that cannot comply fully with the provisions of the 72 COLREGS with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interference with the special function of the vessel, is listed in Appendix B of this Part.

(Sec. 1, 59 Stat. 590 (33 U.S.C. 360); sec. 6, International Navigational Rules Act of 1977 (Pub. L. 95-75; 91 Stat. 308); sec.

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[1] Appendix C has not been added to Part 87 as of July 1, 1980.

6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); E.O. 11964; 49 CFR 1.46(b))

[CGD 76-134, 42 FR 57648, Nov. 3, 1977]

### EXEMPTIONS

**§ 87.20 Lights and sound signal appliances.**

Each vessel under the 72 COLREGS, except the vessels of the Navy, is exempt from the requirements of the 72 COLREGS to the limitation for the period of time stated in Rule 38 (a), (b), (c), (d), (e), (f), and (g) if—

(a) Her keel is laid or is at a corresponding stage of construction before July 15, 1977; and

(b) She meets the International Regulations for Preventing Collisions at Sea, 1960 (77 Stat. 194, 33 U.S.C. 1051-1094).

NOTE: Appendix A of this Part contains the 72 COLREGS.

[CGD 76-133, 42 FR 35792, July 11, 1977]

## APPENDIX A—PROCLAMATION OF JANUARY 19, 1977 AND 72 COLREGS

### BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

*Considering that:* The Convention on the International Regulations for Preventing Collisions at Sea, 1972, done at London, October 20, 1972, as rectified by the Proces-Verbal of December 1, 1973, a certified copy of which Convention, in the English and French languages, is hereto annexed;

The Senate of the United States of America by its resolution of October 28, 1975, two-thirds of the Senators present concurring therein, gave its advice and consent to the Convention as rectified by the Proces-Verbal;

The Convention as rectified was duly accepted by the President of the United States of America on December 12, 1975, in pursuance of the advice and consent of the Senate;

The United States of America deposited its instrument of acceptance on November 23, 1976, in accordance with the provisions of Article IV of the Convention;

The Convention as rectified will enter into force for the United States of America on July 15, 1977;

Now, therefore, I, Gerald R. Ford, President of the United States of America, proclaim and make public the Convention as rectified, to the end that it shall be observed and fulfilled with good faith on and after July 15, 1977, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

In testimony whereof, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this nineteenth day of January in the year of our Lord one thousand nine hundred seventy-seven of the United States of America the two hundred first.

By the President:

Gerald R. Ford.

Henry A. Kissinger,
*Secretary of State.*

## INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

### PART A—GENERAL

### Rule 1.—Application

(a) These Rules shall apply to all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels.

(b) Nothing in these Rules shall interfere with the operation of special rules made by an appropriate authority for roadsteads, harbours rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. Such special rules shall conform as closely as possible to these Rules.

(c) Nothing in these Rules shall interfer with the operation of any special rules made by the Government of any State with respect to additional station or signal lights or whistle signals for ships of war and vessels proceeding under convoy, or with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet. These additional station or signal lights or whistle signals shall, so far as possible, be such that they cannot be mistaken for any light or signal authorized elsewhere under these Rules.

(d) Traffic separation schemes may be adopted by the Organization for the purpose of these Rules.

(e) Whenever the Government concerned shall have determined that a vessel of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interfering with the special function of the vessel, such vessel shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, as her Government shall have determined to be the closest possible compliance with these Rules in respect to that vessel.

### Rule 2.—Responsibility

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

### Rule 3.—General Definitions

For the purpose of these Rules, except where the context otherwise requires:

(a) The word "vessel" includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

(b) The term "power-driven vessel" means any vessel propelled by machinery.

(c) The term "sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

(d) The term "vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict manoeuvrability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict manoeuvrability.

(e) The word "seaplane" includes any aircraft designed to manoeuvre on the water.

(f) The term "vessel not under command" means a vessel which through some exceptional circumstance is unable to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel.

(g) The term "vessel restricted in her ability to manoeuvre" means a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel.

The following vessels shall be regarded as vessels restricted in their ability to manoeuvre:

(i) A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;

(ii) A vessel engaged in dredging, surveying or underwater operations;

(iii) A vessel engaged in replenishment or transferring persons, provisions or cargo while underway;

(iv) A vessel engaged in the launching or recovery of aircraft;

(v) A vessel engaged in minesweeping operations;

(vi) A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

(h) The term "vessel constrained by her draught" means a power-driven vessel which because of her draught in relation to the available depth of water is severely restricted in her ability to deviate from the course she is following.

(i) The word "underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

(j) The words "length" and "breadth" of a vessel mean her length overall and greatest breadth.

(k) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.

(l) The term "restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

## PART B—STEERING AND SAILING RULES

### SECTION I—CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

### Rule 4.—Application

Rules in this section apply in any condition of visibility.

### Rule 5.—Look-out

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

### Rule 6.—Safe Speed

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

(a) By all vessels:

(i) The state of visibility;

(ii) The traffic density including concentrations of fishing vessels or any other vessels;

(iii) The manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(iv) At night the presence of background light such as from shore lights or from back scatter of her own lights;

(v) The state of wind, sea and current, and the proximity of navigational hazards;

(vi) The draught in relation to the available depth of water.

(b) Additionally, by vessels with operational radar:

(i) The characteristics, efficiency and limitations of the radar equipment;

(ii) Any constraints imposed by the radar range scale in use;

(iii) The effect on radar detection of the sea state, weather and other sources of interference;

(iv) The possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

(v) The number, location and movement of vessels detected by radar;

(vi) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

### Rule 7.—Risk of Collision

(a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk or collision exists. If there is any doubt such risk shall be deemed to exist.

(b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

(ii) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

### Rule 8.—Action to avoid collision

(a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

### Rule 9.—Narrow channels

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Rule 34(d) if in doubt as to the intention of the crossing vessel.

(e)(i) In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c)(i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in Rule 34(c)(ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Rule 34 (d).

(ii) This Rule does not relieve the overtaking vessel of her obligation under Rule 13.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34(e).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

### Rule 10.—Traffic separation schemes

(a) This Rule applies to traffic separation schemes adopted by the Organization.

(b) A vessel using a traffic separation scheme shall:

(i) Proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

(ii) So far as practicable keep clear of a traffic separation line or separation zone;

(iii) Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from the side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow.

(d) Inshore traffic zones shall not normally be used by through traffic which can safely use the appropriate traffic lane within the adjacent traffic separation scheme.

(e) A vessel, other than a crossing vessel, shall not normally enter a separation zone or cross a separation line except:

(i) in cases of emergency to avoid immediate danger:

(ii) to engage in fishing within a separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel of less than 20 metres in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

## SECTION II—CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER

### Rule 11.—Application

Rules in this Section apply to vessels in sight of one another.

### Rule 12.—Sailing vessels

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

### Rule 13.—Overtaking

(a) Notwithstanding anything contained in the Rules of this Section any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Rules of relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

### Rule 14.—Head-on situation

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vesel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

### Rule 15.—Crossing situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

### Rule 16.—Action by give-way vessel

Every vessel which is directed to keep out of the way of another vessel shall, so far as

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CROSS REFERENCES: United States Customs Service, Department of the Treasury: 19 CFR Chapter I.

Coast Guard regulations relating to shipping: 46 CFR Chapter I.

possible, take early and substantial action to keep well clear.

### Rule 17.—Action by stand-on vessel

(a) (i) Where one of two vessels is to keep out of the way the other shall keep her course and speed.

(ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with subparagraph (a)(ii) of this Rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This Rule does not relieve the give-way vessel of her obligation to keep out of the way.

### Rule 18.—Responsibilities between vessels

Except where Rules 9, 10 and 13 otherwise require: (a) A power-driven vessel underway shall keep out of the way of: (i) A vessel not under command;

(ii) A vessel restricted in her ability to manoeuvre;

(iii) A vessel engaged in fishing;

(iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of: (i) A vessel not under command;

(ii) A vessel restricted in her ability to manoeuvre;

(iii) A vessle engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

(i) A vessel not under command;

(ii) A vessel restricted in her ability to manoeuvre.

(d) (i) Any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the ciurcumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in Rule 28.

(ii) A vessel constrained by her draught shall navigate with a particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Rules of this Part.

## SECTION III—CONDUCT OF VESSELS IN RESTRICTED VISIBILITY

### Rule 19.—Conduct of vessels in restricted visibility

(a) This Rule applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate manoeuvre.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the Rules of Section I of this Part.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course toward a vessel abeam or abaft of the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

## PART C—LIGHTS AND SHAPES

### Rule 20.—Application

(a) Rules in this Part shall be complied with in all weathers.

(b) The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

(c) The lights prescribed by these Rules shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(d) The Rules concerning shapes shall be complied with by day.

(e) The lights and shapes specified in these Rules shall comply with the provisions of Annex I to these Regulations.

### Rule 21.—Definitions.

(a) "Masthead light" means a white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.

(b) "Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel.

(c) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(d) "Towing light" means a yellow light having the same characteristics as the "sternlight" defined in paragraph (c) of this Rule.

(e) "All round light" means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(f) "Flashing light" means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

### Rule 22.—Visibility of lights

The lights prescribed in these Rules shall have an intensity as specified in Section 8 of Annex I to these Regulations so as to be visible at the following minimum ranges:

(a) In vessels of 50 metres or more in length: A masthead light, 6 miles; A sidelight, 3 miles; A sternlight, 3 miles; A towing light, 3 miles; and A white, red, green or yellow all-round light, 3 miles.

(b) In vessels of 12 metres or more in length but less than 50 metres in length:

A masthead light, 5 miles; except that where the length of the vessel is less than 20 metres, 3 miles;

A sidelight, 2 miles;

A sternlight, 2 miles;

A towing light, 2 miles; and

A white, red, green or yellow all-round light, 2 miles.

(c) In vessels of less than 12 metres in length:

A masthead light, 2 miles;

A sidelight, 1 mile;

A sternlight, 2 miles;

A towing light, 2 miles; and

A white, red, green or yellow all-round light, 2 miles.

### Rule 23.—Power-driven vessels underway

(a) A power-driven vessel underway shall exhibit:

(i) A masthead light forward;

(ii) A second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 metres in length shall not be obliged to exhibit such light but may do so;

(iii) Sidelights; and

(iv) A sternlight.

(b) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit an all-round flashing yellow light.

(c) A power-driven vessel of less than 7 metres in length and whose maximum speed does not exceed 7 knots may, in lieu of the lights prescribed in paragraph (a) of this Rule, exhibit an all-round white light. Such vessel shall, if practicable, also exhibit sidelights.

### Rule 24.—Towing and pushing

(a) A power-driven vessel when towing shall exhibit: (i) Instead of the light prescribed in Rule 23(a)(i), two masthead lights forward in a vertical line. When the length of the tow measuring from the stern of the towing vessel to the after end of the tow exceeds 200 metres, three such lights in a vertical line;

(ii) Sidelights;

(iii) A sternlight;

(iv) A towing light in a vertical line above the sternlight; and

(v) When the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

(b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in Rule 23.

(c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

(i) Instead of the light prescribed in Rule 23(a)(i), two masthead lights forward in a vertical line;

(ii) Sidelights; and

(iii) A sternlight.

(d) A power-driven vessel to which paragraphs (a) and (c) of this Rule apply shall also comply with Rule 23(a)(ii).

(e) A vessel or object being towed shall exhibit: (i) Sidelights;

(ii) A sternlight;

(iii) When the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, (i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights; (ii) A vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(g) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in paragraph (e) of this Rule, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

### Rule 25.—Sailing Vessels Underway and Vessels under Oars

(a) A sailing vessel underway shall exhibit: (i) Sidelights.

(ii) A sternlight.

(b) In a sailing vessel of less than 12 metres in length the lights prescribed in paragraph (a) of this Rule may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this Rule.

(d) (i) A sailing vessel of less than 7 metres in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this Rule, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

### Rule 26.—Fishing Vessels

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this Rule.

(b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit: (i) two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with the apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(ii) A masthead light abaft of and higher than the all-round green light; a vessel of less than 50 metres in length shall not be obliged to exhibit such a light but may do so;

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c) A vessel engaged in fishing, other than trawling, shall exhibit: (i) Two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(ii) When there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear;

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals described in Annex II to these Regulations.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this Rule, but only those prescribed for a vessel of her length.

### Rule 27.—Vessels not under command or restricted in their ability to manoeuvre

(a) A vessel not under command shall exhibit: (i) Two all-round red lights in a vertical line where they can best be seen;

(ii) Two balls or similar shapes in a vertical line where they can best be seen;

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to manoeuvre, except a vessel engaged in minesweeping operations, shall exhibit: (i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond.

(iii) When making way through the water, masthead lights, sidelights and a sternlight, in addition to the lights prescribed in subparagraph (i);

(iv) When at anchor, in addition to the lights or shapes prescribed in sub-paragraphs (i) and (ii), the light, lights or shape prescribed in Rule 30.

(c) A vessel engaged in a towing operation such as renders her unable to deviate from her course shall, in addition to the lights or shapes prescribed in subparagraph (b) (i) and (ii) of this Rule, exhibit the lights or shape prescribed in Rule 24(a).

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall exhibit the lights and shapes prescribed in paragraph (b) of this Rule and shall in addition, when an obstruction exists, exhibit: (i) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(ii) Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, masthead lights, sidelights and a sternlight;

(iv) A vessel to which this paragraph applies when at anchor shall exhibit the lights or shapes prescribed in sub-paragraphs (i) and (ii) instead of the lights or shape prescribed in Rule 30.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit the shapes prescribed in paragraph (d) of this Rule, a rigid replica of the International Code flag "A" not less than 1 metre in height shall be exhibited. Measures shall be taken to ensure all-round visibility.

(f) A vessel engaged in minesweeping operations shall, in addition to the lights prescribed for a power-driven vessel in Rule 23, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited at or near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach closer than 1,000 metres astern or 500 metres on either side of the minesweeper.

(g) Vessels of less than 7 metres in length shall not be required to exhibit the lights prescribed in this Rule.

(h) The signals prescribed in this Rule are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these Regulations.

### Rule 28.—Vessels constrained by their draught

A vessel constrained by her draught may, in addition to the lights prescribed for power-driven vessels in Rule 23, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

### Rule 29.—Pilot vessels

(a) A vessel engaged on pilotage duty shall exhibit: (i) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(ii) when underway, in addition, sidelights and a sternlight;

(iii) when at anchor, in addition to the lights prescribed in sub-paragraph (i), the anchor light, lights or shape.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

### Rule 30.—Anchored vessels and vessels aground

(a) A vessel at anchor shall exhibit where it can best be seen: (i) In the fore part, an all-round white light or one ball;

(ii) At or near the stern and at a lower level than the light prescribed in sub-paragraph (i), an all-round white light.

(b) A vessel of less than 50 metres in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Rule.

(c) A vessel at anchor may, and a vessel of 100 metres and more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this Rule and in addition, where they can best be seen: (i) Two all-round red lights in a vertical line;

(ii) Three balls in a vertical line.

(e) A vessel of less than 7 metres in length, when at anchor or aground, not in or near a narrow channel, fairway or anchorage or where other vessels normally navigate, shall not be required to exhibit the lights or shapes prescribed in paragraphs (a), (b) or (d) of this Rule.

### Rule 31.—Seaplanes

Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the Rules of this Part she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

## PART D—SOUND AND LIGHT SIGNALS

### Rule 32.—Definitions

(a) The word "whistle" means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to these Regulations.

(b) The term "short blast" means a blast of about one second's duration.

(c) The term "prolonged blast" means a blast from four to six seconds' duration.

### Rule 33.—Equipment for sound signals

(a) A vessel of 12 metres or more in length shall be provided with a whistle and a bell and a vessel of 100 metres or more in length shall, in addition be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to these Regulations. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the required signals shall always be possible.

(b) A vessel of less than 12 metres in length shall not be obliged to carry the sound signalling appliances prescribed in paragraph (a) of this Rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

### Rule 34. Manoeuvring and warning signals

(a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle:

One short blast to mean "I am altering my course to starboard";

Two short blasts to mean "I am altering my course to port";

Three short blasts to mean "I am operating astern propulsion".

(b) Any vessel may supplement the whistle signals prescribed in paragraph (a) of this Rule by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:

(i) These light signals shall have the following significance:

One flash to mean "I am altering my course to starboard";

Two flashes to mean "I am altering my course to port";

Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds.

(iii) The light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I.

(c) When in sight of one another in a narrow channel or fairway:

(i) A vessel intending to overtake another shall in compliance with Rule 9(e)(i) indicate her intention by the following signals on her whistle:

Two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";

Two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side".

(ii) The vessel about the be overtaken when acting in accordance with Rule 9(e)(i) shall indicate her agreement by the following signal on her whistle:

One prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vesels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

### Rules 35. Sound signals in restricted visibility

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to manoeuvre, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b) of this Rule, sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(e) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Rule.

(f) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 metres or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(g) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (f) of this Rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(h) A vessel of less than 12 metres in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

(i) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (f) of this Rule sound an identity signal consisting of four short blasts.

### Rule 36.—Signals to attract attention

If necessary to attract the attention of another vessel any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

### Rule 37.—Distress signals

When a vessel is in distress and requires assistance she shall use or exhibit the signals prescribed in Annex IV to these Regulations.

## PART E—EXEMPTIONS

### Rule 38.—Exemptions

Any vessel (or class of vessels) provided that she complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960, the keel of which is laid or which is at a corresponding stage of construction before the entry into force of these Regulations may be exempted from compliance therewith as follows:

(a) The installation of lights with ranges prescribed in Rule 22, until four years after the date of entry into force of these Regulations.

(b) The installation of lights with colour specifications as prescribed in Section 7 of Annex I to these Regulations, until four years after the date of entry into force of these Regulations.

(c) The repositioning of lights as a result of conversion from Imperial to metric units and rounding off measurement figures, permanent exemption.

(d)(i) The repositioning of masthead lights on vessels of less than 150 metres in length, resulting from the prescriptions of Section 3(a) of Annex I, permanent exemption.

(ii) The repositioning of masthead lights on vessels of 150 metres or more in length, resulting from the prescriptions of Section 3(a) of Annex I to these Regulations, until nine years after the date of entry into force of these Regulations.

(e) The repositioning of masthead lights resulting from the prescriptions of Section 2(b) of Annex I, until nine years after the date of entry into force of these Regulations.

(f) The repositioning of sidelights resulting from the prescriptions of Sections 2(g) and 3(b) of Annex I, until nine years after the date of entry into force of these Regulations.

(g) The requirements for sound signal appliances prescribed in Annex III, until nine years after the date of entry into force of these Regulations.

## ANNEX I

### POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

1. *Definition.* The term "height above the hull" means height above the uppermost continuous deck.

2. *Vertical positioning and spacing of lights.* (a) On a power-driven vessel of 20 metres or more in length the masthead lights shall be placed as follows:

(i) The forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 6 metres, and, if the breadth of the vessel exceeds 6 metres, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 12 metres;

(ii) When two masthead lights are carried the after one shall be at least 4.5 metres vertically higher than the forward one.

(b) The vertical separation of masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 metres from the stem when viewed from sea level.

(c) The masthead light of a power-driven vessel of 12 metres but less than 20 metres in length shall be placed at a height above the gunwale of not less than 2.5 metres.

(d) A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of less than 2.5 metres above the gunwale. When however a masthead light is carried in addition to sidelights and a sternlight, then such masthead light shall be carried at least 1 metre higher than the sidelights.

(e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as the forward masthead light of a power-driven vessel.

(f) In all circumstances the masthead light or lights shall be so placed as to be above and clear of all other lights and obstructions.

(g) The sidelights of a power-driven vessel shall be placed at a height above the hull not greater than three quarters of that of the forward masthead light. They shall not be so low as to be interfered with by deck lights.

(h) The sidelights, if in a combined lantern and carried on a power-driven vessel of less than 20 metres in length, shall be placed not less than 1 metre below the masthead light.

(i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

(i) On a vessel of 20 metres in length or more such lights shall be spaced not less than 2 metres apart, and the lowest of these lights shall, except where a towing light is required, not be less than 4 metres above the hull;

(ii) On a vessel of less than 20 metres in length such lights shall be spaced not less than 1 metre apart and the lowest of these lights shall, except where a towing light is required, not be less than 2 metres above the gunwale;

(iii) When three lights are carried they shall be equally spaced.

(j) The lower of the two all-round lights prescribed for a fishing vessel when engaged in fishing shall be at a height above the sidelights not less than twice the distance between the two vertical lights.

(k) The forward anchor light, when two are carried, shall not be less than 4.5 metres above the after one. On a vessel of 50 metres or more in length this forward anchor light shall not be less than 6 metres above the hull.

3. *Horizontal positioning and spacing of lights.* (a) When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one half of the length of the vessel but need not be more than 100 metres. The forward light shall be placed not more than one quarter of the length of the vessel from the stem.

(b) On a vessel of 20 metres or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

4. *Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.* (a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Rule 26(c)(ii) shall be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Rule 26(c)(i) and not lower than the sidelights.

(b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Rule 27(d) (i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 metres, from the lights or shapes prescribed in Rule 27(b) (i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Rule 27(b) (i) and (ii).

5. *Screens for sidelights.* The sidelights shall be fitted with inboard screens painted matt black, and meeting the requirements of Section 9 of this Annex. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6. *Shapes.* (a) Shapes shall be black and of the following sizes:

(i) A ball shall have a diameter of not less than 0.6 metre;

(ii) A cone shall have a base diameter of not less than 0.6 metre and a height equal to its diameter;

(iii) A cylinder shall have a diameter of at least 0.6 metre and a height of twice its diameter;

(iv) A diamond shape shall consist of two cones as defined in (ii) above having a common base.

(b) The vertical distance between shapes shall be at least 1.5 metre.

(c) In a vessel of less than 20 metres in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

7. *Colour specification of lights.* The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).

The boundaries of the area for each colour are given by indicating the corner coordinates, which are as follows:

(i) *White:*

$x$ 0.525, 0.525, 0.452, 0.310, 0.310, 0.443.

$y$ 0.382, 0.440, 0.440, 0.348, 0.283, 0.382.

(ii) *Green:*

$x$ 0.028, 0.009, 0.300, 0.203.

$y$ 0.385, 0.723, 0.511, 0.356.

(iii) *Red:*

$x$ 0.680, 0.660, 0.735, 0.721.

$y$ 0.320, 0.320, 0.265, 0.259.

(iv) *Yellow:*

$x$ 0.612, 0.618, 0.575, 0.575.

$y$ 0.382, 0.382, 0.425, 0.406.

8. *Intensity of lights.* (a) The minimum luminous intensity of lights shall be calculated by using the formula:

$$I = 3.43 \cdot 10^{6} \cdot T \cdot D^{2} \cdot K^{-D}$$

where I is luminous intensity in candelas under service conditions,

$T$ is threshold factor $2 \cdot 10^{-7}$ lux, $D$ is range of visibility (luminous range) of the light in nautical miles, $K$ is atmospheric transmissivity.

For prescribed lights the value of $K$ shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

(b) A selection of figures derived from the formula is given in the following table:

| Range of visibility (luminous range) of light in nautical miles, D: | Luminous intensity of light in candelas for K = 0.8, I |
|---|---|
| 1 | 0.9 |
| 2 | 4.3 |
| 3 | 12 |
| 4 | 27 |
| 5 | 52 |
| 6 | 94 |

NOTE.—The maximum luminous intensity of navigation lights should be limited to avoid undue glare.

9. *Horizontal sectors.* (a)(i) In the forward direction, sidelights as fitted on the vessel must show the minimum required intensities. The intensities must decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors.

(ii) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 per cent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed limits.

(b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees, except anchor lights, which need not be placed at an impracticable height above the hull.

10. *Vertical sectors.* (a) The vertical sectors of electric lights, with the exception of lights on sailing vessels shall ensure that:

(i) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(ii) At least 60 percent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

(b) In the case of sailing vessels the vertical sectors of electric lights shall ensure that:

(i) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(ii) At least 50 percent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

(c) In the case of lights other than electric these specifications shall be met as closely as possible.

11. *Intensity of non-electric lights.* Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in Section 8 of this Annex.

12. *Manoeuvring light.* Notwithstanding the provisions of paragraph 2(f) of this Annex the manoeuvring light described in Rule 34(b) shall be placed in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of 2 metres vertically above the forward masthead light, provided that it shall be carried not less than 2 metres vertically above or below the after masthead light. On a vessel where only one masthead light is carried the manoeuvring light, if fitted, shall be carried where it can best be seen, not less than 2 metres vertically apart from the masthead light.

13. *Approval.* The construction of lanterns and shapes and the installation of lanterns on board the vessel shall be to the satisfaction of the appropriate authority of the State where the vessel is registered.

## ANNEX II

### ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

1. *General.* The lights mentioned herein shall, if exhibited in pursuance of Rule 26 (d), be placed where they can best be seen. They shall be at least 0.9 metre apart but at a lower level than lights prescribed in Rule 26 (b)(i) and (c)(i). The lights shall be visible all round the horizon at a distance of at least 1 mile but at a lesser distance than the lights prescribed by these Rules for fishing vessels.

2. *Signals for Trawlers.* (a) Vessels when engaged in trawling, whether using demersal or pelagic gear, may exhibit:

(i) When shooting their nets: two white lights in a vertical line;

(ii) When hauling their nets: one white light over one red light in a vertical line;

(iii) When the net has come fast upon an obstruction: two red lights in a vertical line.

(b) Each vessel engaged in pair trawling may exhibit:

(i) By night, a searchlight directed forward and in the direction of the other vessel of the pair;

(ii) When shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in 2(a) above.

3. *Signals for purse seiners.* Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

## ANNEX III

### TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

1. *Whistles.* (a) *Frequencies and range of audibility.*—The fundamental frequency of the signal shall lie within the range 70-700 Hz.

The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180-700 Hz (± 1 percent) and which provide the sound pressure levels specified in paragraph 1(c) below.

(b) *Limits of fundamental frequencies.* To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

(i) 70-200 Hz, for a vessel 200 metres or more in length;

(ii) 130-350 Hz, for a vessel 75 metres but less than 200 metres in length;

(iii) 250-700 Hz, for a vessel less than 75 metres in length.

(c) *Sound signal intensity and range of audibility.* A whistle fitted in a vessel shall provide, in the direction of maximum intensity of the whistle and at a distance of 1 metre from it, a sound pressure level in at least one $\frac{1}{3}$rd-octave band within the range of frequencies 180-700 Hz (± 1 percent) of not less than the appropriate figure given in the table below.

| Length of vessel in meters | $\frac{1}{3}$-octave band level at 1 meter in dB referred to $2 \cdot 10^{-5}$ N/m$^2$ | Audibility range in nautical miles |
|---|---|---|
| 200 or more | 143 | 2.0 |
| 75 but less than 200 | 138 | 1.5 |
| 20 but less than 75 | 130 | 1.0 |
| Less than 20 | 120 | 0.5 |

The range of audibility in the table above is for information and is approximately the range at which a whistle may be heard on its forward axis with 90 percent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centred on 250 Hz and 63dB in the octave band centred on 500 Hz).

In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

(d) *Directional properties.* The sound pressure level of a directional whistle shall be not more than 4 dB below the sound pressure level on the axis at any direction in the horizontal plane within ±45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane shall be not more than 10 dB below the sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level shall be measured in that $\frac{1}{3}$rd-octave band which determines the audibility range.

(e) *Positioning of whistles.* When a directional whistle is to be used as the only whistle on a vessel, it shall be installed with its maximum intensity directed straight ahead.

A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB (A) and so far as practicable should not exceed 100 dB (A).

(f) *Fitting of more than one whistle.* If whistles are fitted at a distance apart of more than 100 metres, it shall be so arranged that they are not sounded simultaneously.

(g) *Combined whistle systems.* If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in paragraph 1 (f) above is likely to have a zone of greatly reduced signal level, it is recommended that a combined whistle system be fitted so as to overcome this reduction. For the purposes of the

Rules a combined whistle system is to be regarded as a single whistle. The whistles of a combined system shall be located at a distance apart of not more than 100 metres and arranged to be sounded simultaneously. The frequency of any one whistle shall differ from those of the others by at least 10Hz.

2. *Bell or gong.* (a) *Intensity of signal.*—A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at 1 metre.

(b) *Construction.* Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of more than 20 metres in length, and shall be not less than 200 mm for vessels of 12 to 20 metres in length. Where practicable, a power-driven bell striker is recommended to ensure constant force but manual operation shall be possible. The mass of the striker shall be not less than 3 percent of the mass of the bell.

3. *Approval.* The construction of sound signal appliances, their performance and their installation on board the vessel shall be to the satisfaction of the appropriate authority of the State where the vessel is registered.

### ANNEX IV

#### DISTRESS SIGNALS

1. The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

(a) A gun or other explosive signal fired at intervals of about a minute;

(b) A continuous sounding with any fog-signalling apparatus;

(c) Rockets or shells, throwing red stars fired one at a time at short intervals;

(d) A signal made by radiotelegraphy or by any other signalling method consisting of the group ... — — — ... (SOS) in the Morse Code;

(e) A signal sent by radiotelephony consisting of the spoken word "Mayday";

(f) The International Code Signal of distress indicated by N.C.;

(g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball;

(h) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.)

(i) A rocket parachute flare or a hand flare showing a red light;

(j) A smoke signal giving off orange coloured smoke.

(k) Slowly and repeatedly raising and lowering arms outstretched to each side;

(l) The radiotelegraph alarm signal.

(m) The radiotelephone alarm signal;

(n) Signals transmitted by emergency position-indicating radio beacons.

2. The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

3. Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

(a) A piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air);

(b) A dye marker.

[CGD 76-130, 42 FR 17111, Mar. 31, 1977; 42 FR 18401, Apr. 7, 1977; 42 FR 20625, Apr. 21, 1977]

### APPENDIX B—ALTERNATIVE COMPLIANCE FOR LIGHTS AND SHAPES BY CERTAIN COAST GUARD VESSELS

The Commandant, U.S. Coast Guard, has determined that the Coast Guard vessels listed in this Appendix—

(a) Are unable, because of their special construction or purpose, to fully comply with the provisions of the applicable International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), the rules under the Act of June 7, 1897, as amended (30 Stat. 96-103; 33 U.S.C. 151-232) (Inland Rules), of the rules under the Act of February 8, 1895, as amended (28 Stat. 645-650; 33 U.S.C. 241-294) (Great Lakes Rules);

(b) Meet the provisions of the 72 COLREGS to the closest possible compliance in regard to the number, position, range or arc or visibility of lights or shapes, as well as to the disposition and characteristic of sound-signalling applicances; and

(c) Meet the requirements of the Inland Rules and the Great Lakes Rules as closely as is feasible in regard to the number, position, range of visibility, or arc of visibility of lights.

*Rule 23 72 COLREGS: Horizontal positioning of masthead lights.* Rule 23(a)(i) and (ii) and Paragraph 3(a) of Annex I, 72 COLREGS, require, in part, that the horizontal distance between the forward and after masthead lights be not less than one half the length of the vessel. Because of special construction, the following Coast Guard vessels cannot comply fully with this requirement and are exempted from compliance:

(a) The following patrol cutter, medium endurance, Class 230 (WMEC), carries the forward and after masthead lights at a horizontal separation of 10.5 meters (34 feet):

*USCGC Storis (WMEC-38).*

(b) The following icebreakers carry the forward and after masthead lights at a horizontal separation of 7 meters (23 feet) or more:

*USCGC Burton Island (WAGB-283).*
*USCGC Glacier (WAGB-4).*
*USCGC Northwind (WAGB-282).*
*USCGC Westwind (WAGB-281).*
*USCGC Polar Star (WAGB-10).*
*USCGC Polar Sea (WAGB-11).*

(c) The following buoy tenders, Class 180-A (WLB), carry the forward and after masthead lights at a horizontal separation of 7.3 meters (24 feet) or more:

*USCGC Citrus (WLB-300).*
*USCGC Clover (WLB-292).*
*USCGC Conifer (WLB-301).*
*USCGC Evergreen (WAGO-295).*
*USCGC Laurel (WLB-291).*
*USCGC Madrona (WLB-302).*

(d) The following buoy tenders, Class 180-B (WLB), carry the forward and after masthead lights at a horizontal separation of 4.9 meters (16 feet):

*USCGC Buttonwood (WLB-306).*
*USCGC Ironwood (WLB-297).*
*USCGC Mesquite (WLB-305).*
*USCGC Papaw (WLB-308).*
*USCGC Planetree (WLB-307).*
*USCGC Sweetgum (WLB-309).*

(e) The following buoy tenders, Class 180-C (WLB), carry the forward and after masthead lights at a horizontal separation of 4.9 meters (16 feet):

*USCGC Acacia (WLB-406).*
*USCGC Basswood (WLB-388).*
*USCGC Bittersweet (WLB-389).*
*USCGC Blackhaw (WLB-390).*
*USCGC Blackthorn (WLB-391).*
*USCGC Bramble (WLB-392).*
*USCGC Firebush (WLB-393).*
*USCGC Hornbeam (WLB-394).*
*USCGC Iris (WLB-395).*
*USCGC Mallow (WLB-396).*
*USCGC Mariposa (WLB-397).*
*USCGC Sagebrush (WLB-399).*
*USCGC Salvia (WLB-400).*
*USCGC Sassafras (WLB-401).*
*USCGC Sedge (WLB-402).*
*USCGC Spar (WLB-403).*
*USCGC Sundew (WLB-404).*
*USCGC Sweetbriar (WLB-405).*
*USCGC Woodrush (WLB-407).*

(f) The following patrol cutters, medium endurance, Class 143 carry the forward and after masthead lights at a horizontal separation of 12.1 meters (40 feet) or more:

*USCGC Modoc (WMEC-194).*
*USCGC Comanche (WMEC-202).*

(g) The following patrol cutters, medium endurance, Class 210-A (WMEC) and Class 210-B (WMEC), carry the forward and after masthead lights at a horizontal separation of 5.5 meters (18 feet) or more:

(1) Class 210-A:

*USCGC Active (WMEC-618).*
*USCGC Confidence (WMEC-619).*
*USCGC Diligence (WMEC-616).*
*USCGC Reliance (WTR-1).*
*USCGC Vigilant (WMEC-617).*

(2) Class 210-B:

*USCGC Alert (WMEC-630).*
*USCGC Courageous (WMEC-622).*
*USCGC Dauntless (WMEC-624).*
*USCGC Decisive (WMEC-629).*
*USCGC Dependable (WMEC-626).*
*USCGC Durable (WMEC-628).*
*USCGC Resolute (WMEC-620).*
*USCGC Steadfast (WMEC-623).*
*USCGC Valiant (WMEC-621).*
*USCGC Venturous (WMEC-625).*
*USCGC Vigorous (WMEC-627).*

(h) The following patrol cutter, Class 213 (WMEC), carries the forward and after masthead lights at a horizontal separation of 10.1 meters (33.5 feet):

*USCGC Acushnet (WAGO-167).*

*Rule 23, 72 COLREGS and Article 2(e), Inland Rules: Vertical positioning of masthead lights.* Rule 23(a) (i) and (ii) and Paragraph 2(a)(ii) of Annex I, 72 COLREGS, require that the after masthead light be carried at least 4.5 meters (15 feet) vertically higher than the forward masthead light. Article 2(e), Inland Rules (33 U.S.C. 172(e)), requires that the after range light be carried at least 15 feet vertically above the forward masthead light. Because of special construction, the following Coast Guard vessels cannot comply fully with these requirements and are exempted from compliance.

(a) The following patrol cutters, medium endurance, Class 143 (WMEC), carry masthead lights at a vertical separation of 3.2 meters (10.625 feet):

*USCGC Modoc (WMEC-194).*
*USCGC Comanche (WMEC-202).*

*Rule 23, 72 COLREGS: Height above the hull of forward masthead light.* Rule 23(a)(i) and Paragraph 2(a)(i) of Annex I, 72 COLREGS, require in part that a vessel of 20 meters or more in length carry the forward masthead light at a height above the hull, as defined in Paragraph 1 of Annex I, 72 COLREGS, of not less than 6 meters, and, if the breadth of the vessel exceeds 6 meters, then at a height above the hull of not less than such breadth. Because of special construction, the following Coast Guard vessels cannot comply fully with this requirement and are exempted from compliance:

(a) The following Class 143 (WMEC), medium endurance, patrol cutters, carry the forward masthead light at a height above the hull of 8.5 meters (28 feet):

*USCGC Modoc (WMEC-194).*
*USCGC Comanche (WMEC-202).*

*Rule 23, 72 COLREGS: Location of white masthead lights for towing.* Rule 24(a)(i) and Paragraph 2(e) of Annex I, 72 COLREGS, require that one of the two or three masthead lights prescribed for a power-driven vessel, when engaged in towing or pushing another vessel, be placed in the same position as the forward masthead light. Because of special construction, the following Coast Guard vessels cannot comply fully with this requirement and are exempted from compliance:

(a) The following Class 180 (WLB) buoy tenders, Class 210, medium endurance, patrol cutters, Class 269 (WAGB) icebreakers, Class 310 icebreakers, and Class 399 icebreakers carry the two or three masthead lights required for a vessel towing or pushing ahead in the same vertical line as the after masthead light. One of the lights is carried in the position of the after masthead light:

(1) Class 180-A:
*USCGC Citrus* (*WLB-300*).
*USCGC Clover* (*WLB-292*).
*USCGC Conifer* (*WLB-301*).
*USCGC Evergreen* (*WAGO-295*).
*USCGC Laurel* (*WLB-291*).
*USCGC Madrona* (*WLB-302*).
(2) Class 180-B:
*USCGC Buttonwood* (*WLB-306*).
*USCGC Ironwood* (*WLB-307*).
*USCGC Mesquite* (*WLB-305*).
*USCGC Papaw* (*WLB-308*).
*USCGC Planetree* (*WLB-307*).
*USCGC Sweetgum* (*WLB-309*).
(3) Class 180-C:
*USCGC Acacia* (*WLB-406*).
*USCGC Basswood* (*WLB-388*).
*USCGC Bittersweet* (*WLB-389*).
*USCGC Blackhaw* (*WLB-390*).
*USCGC Bramble* (*WLB-392*).
*USCGC Firebush* (*WLB-393*).
*USCGC Hornbeam* (*WLB-394*).
*USCGC Iris* (*WLB-395*).
*USCGC Mallow* (*WLB-396*).
*USCGC Mariposa* (*WLB-397*).
*USCGC Sagebrush* (*WLB-399*).
*USCGC Salvia* (*WLB-400*).
*USCGC Sassafras* (*WLB-401*).
*USCGC Sedge* (*WLB-402*).
*USCGC Spar* (*WLB-403*)
*USCGC Sundew* (*WLB-404*).
*USCGC Sweetbriar* (*WLB-405*).
*USCGC Woodrush* (*WLB-407*).
(4) Class 210-A.
*USCGC Active* (*WMEC-618*).
*USCGC Confidence* (*WMEC-619*).
*USCGC Diligence* (*WMEC-616*).
*USCGC Vigilant* (*WMEC-617*).
(5) Class 210-B:
*USCGC Alert* (*WMEC-630*).
*USCGC Courageous* (*WMEC-622*).
*USCGC Dauntless* (*WMEC-624*).
*USCGC Decisive* (*WMEC-629*).
*USCGC Dependable* (*WMEC-626*).
*USCGC Durable* (*WMEC-628*).
*USCGC Resolute* (*WMEC-620*).
*USCGC Steadfast* (*WMEC-623*).
*USCGC Valiant* (*WMEC-621*).
*USCGC Venturous* (*WMEC-625*).
*USCGC Vigorous* (*WMEC-627*).
(6) Class 269:
*USCGC Burton Island* (*WAGB-283*).
*USCGC Northwind* (*WAGB-282*).
*USCGC Westwind* (*WAGB-281*).
(7) Class 310:
*USCGC Glacier* (*WAGB-4*).
(8) Class 399:
*USCGC Polar Star* (*WAGB-10*).
*USCGC Polar Sea* (*WAGB-11*).

*Rule 24. 72 COLREGS: Spacing of masthead lights.* Rule 24(a)(i) and Paragraph 2(i)(i) of Annex I, 72 COLREGS, require that when the length of the tow from the stern of the towing vessel to the after end of the tow exceed 200 meters, three masthead lights must be carried in a vertical line by the towing vessel. On a vessel of 20 meters or more, these lights are to be spaced not less than 2 meters apart. Because of special construction, the following Coast Guard vessels cannot comply fully with the latter requirement when carrying three masthead lights and are exempted from compliance:

(a) The following Class 95 and Class 82 patrol craft, large, carry the three masthead lights in a vertical line and spaced 1 meter (3 feet) apart:

(1) Class 95-A:
*USCGC Cape Carter* (*WPB-95309*).
*USCGC Cape Coral* (*WPB-95301*).
*USCGC Cape Current* (*WPB-95307*).
*USCGC Cape George* (*WPB-95306*).
*USCGC Cape Hedge* (*WPB-95311*).
*USCGC Cape Small* (*WPB-95300*).
*USCGC Cape Strait* (*WPB-95308*).
*USCGC Cape Wash* (*WPB-95310*).
(2) Class 95-B:
*USCGC Cape Fairweather* (*WPB-95314*).
*USCGC Cape Fox* (*WPB-95316*).
*USCGC Cape Jellison* (*WPB-95317*).
*USCGC Cape Knox* (*WPB-95312*).
*USCGC Cape Morgan* (*WPB-95313*).
*USCGC Cape Newagon* (*WPB-95318*).
*USCGC Cape Romain* (*WPB-95319*).
*USCGC Cape Starr* (*WPB-95320*).
(3) Class 95-C:
*USCGC Cape Corwin* (*WPB-95326*).
*USCGC Cape Cross* (*WPB-95321*).
*USCGC Cape Henlopen* (*WPB-95328*).
*USCGC Cape Horn* (*WPB-95322*).
*USCGC Cape Shoalwater* (*WPB-95324*).
*USCGC Cape York* (*WPB-95332*).
(4) Class 82-A:
*USCGC Point Hope* (*WPB-82302*).
*USCGC Point Swift* (*WPB-82312*).
*USCGC Point Thatcher* (*WPB-82314*).
*USCGC Point Verde* (*WPB-82311*).
(5) Class 82-C:
*USCGC Point Arena* (*WPB-82346*).
*USCGC Point Baker* (*WPB-82342*).
*USCGC Point Barrow* (*WPB-82348*).
*USCGC Point Batan* (*WPB-82340*).
*USCGC Point Bennett* (*WPB-82351*).
*USCGC Point Bonita* (*WPB-82347*).
*USCGC Point Bridge* (*WPB-82338*).
*USCGC Point Brown* (*WPB-82362*).
*USCGC Point Charles* (*WPB-82361*).
*USCGC Point Chico* (*WPB-82339*).
*USCGC Point Countess* (*WPB-82335*).
*USCGC Point Divide* (*WPB-82337*).

*USCGC Point Estero (WPB-82344).*
*USCGC Point Evans (WPB-82354).*
*USCGC Point Francis (WPB-82356).*
*USCGC Point Franklin (WPB-82350).*
*USCGC Point Glass (WPB-82336).*
*USCGC Point Hannon (WPB-82355).*
*USCGC Point Herron (WPB-82318).*
*USCGC Point Heyer (WPB-82369).*
*USCGC Point Highland (WPB-82333).*
*USCGC Point Huron (WPB-82357).*
*USCGC Point Judith (WPB-82345).*
*USCGC Point Knoll (WPB-82367).*
*USCGC Point Ledge (WPB-82334).*
*USCGC Point Lobos (WPB-82366).*
*USCGC Point lookout (WPB-82341).*
*USCGC Point Monroe (WPB-82353).*
*USCGC Point Nowell (WPB-82363).*
*USCGC Point Richmond (WPB-82370).*
*USCGC Point Roberts (WPB-82332).*
*USCGC Point Sal (WPB-82352).*
*USCGC Point Spencer (WPB-82349).*
*USCGC Point Steele (WPB-82359).*
*USCGC Point Stuart (WPB-82358).*
*USCGC Point Turner (WPB-82365).*
*USCGC Point Warde (WPB-82368).*
*USCGC Point Wells (WPB-82343).*
*USCGC Point Whitehorn (WPB-82364).*
*USCGC Point Winslow (WPB-82360).*

(6) Class 82-D:

*USCGC Point Barnes (WPB-82371).*
*USCGC Point Brower (WPB-82372).*
*USCGC Point Camden (WPB-82373).*
*USCGC Point Carrew (WPB-82374).*
*USCGC Point Doran (WPB-82375).*
*USCGC Point Harris (WPB-82376).*
*USCGC Point Hobart (WPB-82377).*
*USCGC Point Jackson (WPB-82378).*
*USCGC Point Martin (WPB-82379).*

*Rule 3(e), Great Lakes Rules: Horizontal* separation of masthead and after range lights. Rule 3(e) of the Great Lakes Rules (33 U.S.C. 252(e)) requires the separation between the forward masthead light and the after range light to be more than 50 feet. Because of special construction, the following Coast Guard vessels cannot comply with this requirement and are exempted from compliance:

(a) The following buoy tender, Class 180-B (WLB), carries the forward masthead light and after range lights at a horizontal separation of 16 feet:

*USCGC Mesquite (WLB-305).*

(b) The following buoy tenders, Class 180-C (WLB), carry the forward masthead light and after range light with a horizontal separation of 16 feet:

*USCGC Acacia (WLB-46).*
*USCGC Bramble (WLB-392).*
*USCGC Mariposa (WLB-397).*
*USCGC Sundew (WLB-404).*
*USCGC Woodrush (WLB-407).*

(c) The following icebreaker carries the forward masthead light and after range light with a horizontal separation of 36 feet:

*USCGC Mackinaw (WAGB-83).*

(d) The following icebreakers carry the forward masthead light and after range light with a horizontal separation of 23 feet:

*USCGC Burton Island (WAGB-283).*
*USCGC Glacier (WAGB-4).*
*USCGC Northwind (WAGB-282).*
*USCGC Westwind (WAGB-281).*

*Rule 27, 72 COLREGS: Vessels not under command.* Rule 27(a)(ii) and Paragraph 6(b) of Annex I, 72 COLREGS, require, in part, that a vessel which is not under command must exhibit in a vertical line two balls or similar shape not less than 0.6 meter in diameter that are separated vertically by at least 1.5 meters. Because of special construction, the following Coast Guard vessels cannot comply fully with these requirements and are exempted from compliance:

(a) Class 95 and Class 82 patrol craft, large, listed above under "Rule 24, 72 COLREGS: Spacing of masthead lights" when not under command exhibit two black balls or similar shapes that are separated vertically by at least 1.2 meters (4 feet).

*Rules 27 and 30, 72 COLREGS: Vessels restricted in their ability to maneuver and vessels aground.* Rule 27(b), Rule 30(d), and Paragraph 6(b) of Annex I, 72 COLREGS, require, in part, that a vessel restricted in her ability to maneuver, except a vessel engaged in minesweeping operations, and vessels aground, must exhibit three shapes in a vertical line with a vertical distance between shapes of at least 1.5 meters. Because of special construction, the following Coast Guard vessels cannot comply fully with these requirements and are exempted from compliance:

(a) Class 95 and Class 82 patrol craft, large, listed above under "Rule 24, 72 COLREGS: Spacing of masthead lights" when restricted in ability to maneuver or when aground, exhibit three black shapes in a vertical line that are separated vertically by at least 0.3 meter (1 foot).

(Sec. 1, 59 Stat. 590 (33 U.S.C. 360); sec. 6, International Navigational Rules Act of 1977 (Pub. L. 95-75; 91 Stat. 308); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); E.O. 11964; 49 CFR 1.46(b))

[CGD 76-134, 42 FR 57648, Nov. 3, 1977; 43 FR 10911, Mar. 16, 1978]

## PART 88—72 COLREGS: INTERPRETATIVE RULES

Sec.
88.1 Purpose.
88.3 Pushing vessel and vessel being pushed: Composite unit.

### § 88.1 Purpose.

This part contains the interpretative rules concerning the 72 COLREGS that are adopted by the Coast Guard for the guidance of the public.

(Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b))

[CGD 76-133, 42 FR 35792, July 11, 1977]

### § 88.3 Pushing vessel and vessel being pushed: Composite unit.

Rule 24(b) of the 72 COLREGS states that when a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are regarded as a power-driven vessel and must exhibit the lights under Rule 23. A "composite unit" is interpreted to be a pushing vessel that is rigidly connected by mechanical means to a vessel being pushed so they react to sea and swell as one vessel. "Mechanical means" does not include the following:

(a) Lines.
(b) Hawsers.
(c) Wires.
(d) Chains.

(Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b))

[CGD 76-133, 42 FR 35792, July 11, 1977]

# SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

## PART 90—PILOT RULES FOR THE GREAT LAKES

Sec.
90.01 General instructions.
90.02 Definitions and risk of collision.
90.03 Demarcation lines between "Rules of the Road—Great Lakes" and "Rules of the Road—Western Rivers."

SIGNALS AND RULES OF THE ROAD

90.1 Signals.
90.2 Danger signal.
90.3 Cross signals.
90.4 Vessels passing each other.
90.5 Vessels approaching each other "head and head."
90.6 Vessels nearing short bend or curve in channel.
90.7 Vessels leaving a dock.
90.8 Vessels running in the same direction; signals for overtaking.
90.10 Vessels approaching each other at right angles or obliquely.
90.12 Departure from the rules.
90.15 Distress signals; posting of rules; diagrams; starting, stopping, and backing signals.
90.15a Warning signals for Coast Guard vessels while handling or servicing aids to navigation.

RULES FOR LIGHTS FOR CERTAIN CLASSES OF VESSELS

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90.18 Lights for ferryboats.
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90.19a Lights for canal boats towed by being pushed ahead.
90.20 Lights for water craft propelled by hand power, horsepower, or by current.
90.21 Lights for rafts.

LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

90.22 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

Sec.
90.23 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.
90.24 Dredges held in stationary position by moorings or spuds.
90.25 Self-propelling suction dredges under way and engaged in dredging operations.
90.26 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.
90.27 Lights to be displayed on pipelines attached to dredges.
90.27a Lights to be displayed on pipelines disengaged from dredges.
90.28 Lights generally.
90.29 Vessels moored or at anchor.

PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

90.30 Passing signals.
90.31 Speed of vessels passing floating plant working in channels.
90.32 Light-draft vessels passing floating plant.
90.33 Aids to navigation marking floating plant moorings.
90.34 Obstruction of channel by floating plant.
90.35 Clearing of channels.
90.36 Protection of marks placed for the guidance of floating plant.
90.37 Lights for Great Lakes pilot vessels.

MISCELLANEOUS

90.38 Rule relating to the use of searchlights or other blinding lights.
90.39 Rule prohibiting unnecessary sounding of the whistle.
90.40 Rule prohibiting the carrying of unauthorized lights on vessels.
90.41 Warning signal displayed while transferring dangerous cargoes.
90.46 Distinctive blue light authorized for use by law enforcement vessels.

AUTHORITY: Sec. 3, 28 Stat. 649, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 243, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), unless otherwise noted.

### § 90.01 General instructions.

The regulations in this part govern pilots of vessels propelled by steam, gas, fluid, naphtha, or electric motors, and of other vessels propelled by machinery, navigating the Great Lakes and their connecting and tributary waters as far east as Montreal.

[Pilot rules for the Great Lakes, Apr. 1, 1937. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.02 Definitions and risk of collision.

(a) In this part the words "steam vessel" and "steamer" shall include any vessel propelled by machinery.

(b) A vessel is under way within the meaning of the rules in this part when she is not at anchor or made fast to the shore or aground.

(c) Risk of collision can, when circumstances permit, be ascertained by carefully watching the bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

[Pilot rules for the Great Lakes, Apr. 1, 1937, as amended by CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.03 Demarcation lines between "Rules of the Road—Great Lakes" and "Rules of the Road—Western Rivers."

(a) The demarcation lines between the "Rules of the Road—Great Lakes" and "Rules of the Road—Western Rivers" are as follows:

(1) On the Calumet River at the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327).

(2) On the Chicago River at the east side of the Ashland Avenue Bridge (between mile 321 and 322).

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 552, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 FR 6521; 167-17, June 29, 1955, 20 FR 4976)

[CGFR 63-62, 28 FR 11015, Oct. 15, 1963]

## SIGNALS AND RULES OF THE ROAD

### § 90.1 Signals.

(a) In all weathers every steam vessel under way, in taking any course authorized or required by the rules in this part, shall indicate that course by the following signals on her whistle, to be accompanied, whenever required, by corresponding alteration of her course; and every steam vessel receiving a signal from another shall promptly respond with the same signal or sound the danger signal as provided in § 90.2.

(b) Except as otherwise provided in the rules in this part, one blast shall mean, "I am directing my course to starboard;" two blasts shall mean, "I am directing my course to port."

[CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.2 Danger signal.

If, when steamers are approaching each other, the pilot of either vessel fails to understand the course or intention of the other, whether from signals being given or answered erroneously or from other causes, the pilot so in doubt shall immediately signify the same by giving the danger signal of several short and rapid blasts of the whistle not less than five; and if both vessels shall have approached within half a mile of each other, both shall be immediately slowed to a speed barely sufficient for steerageway, and, if necessary, stopped and reversed, until the proper signals are given, answered, and understood, or until the vessels shall have passed each other.

[11 FR 7588, July 10, 1946. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.3 Cross signals.

Steam vessels are forbidden to use what has become technically known among pilots as "Cross Signals"; that is, answering one whistle with two, and answering two whistles with one. In all cases, and under all circumstances, a pilot receiving either of the whistle signals provided in the rules in this part, which for any reason he deems injudicious to comply with instead of answering it with a cross signal, shall at once sound the danger signal and observe the rule applying thereto (§ 90.2).

[Pilot rules for the Great Lakes, Apr. 1, 1937. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.4 Vessels passing each other.

The whistle signals indicating course shall be given and answered in accordance with the rules, not only when an alteration of course is required, but at all times before vessels approach within half a mile of each other, from whatever direction, if their courses will bring them within that distance from each other.

[CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.5 Vessels approaching each other "head and head."

When steam vessels are meeting end on, or nearly end on, it shall be the duty of each steam vessel to pass on the port side of the other; and the pilot of either steam vessel may be first in determining to pursue this course, and thereupon shall give, as a signal of this intention, one distinct blast of his whistle, which the pilot of the other steam vessel shall answer promptly by a similar blast of his whistle, and thereupon such steam vessels shall pass on the port side of each other. But if the courses of such steam vessels are so far on the starboard of each other as not to be considered by pilots as meeting end on, or nearly end on, the pilot so first deciding shall immediately give two distinct blasts of his whistle, which the pilot of the other steam vessel shall answer promptly by two similar blasts of his whistle, and they shall pass on the starboard side of each other: *Provided, however,* That in all narrow channels where there is a current, and in the rivers St. Marys, St. Clair, Detroit, Niagara and St. Lawrence, when two steam vessels are meeting, the descending steam vessel shall have the right of way and shall, before the vessels shall have arrived within the distance of half a mile of each other, give the signal necessary to indicate which side she elects to take.

[CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 66-32, 31 FR 10323, July 30, 1966]

### § 90.6 Vessels nearing short bend or curve in channel.

Whenever a steam vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction cannot be seen for a distance of half a mile, the pilot of such steam vessel, when he shall have arrived within half a mile of such curve or bend, shall give a signal by one blast of the whistle, of at least 8 seconds duration, which signal shall be answered by a similar blast, given by the pilot of any steam vessel within hearing that may be approaching on the other side, and within half a mile, of such bend or curve. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered.

[CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.7 Vessels leaving a dock.

When a steam vessel is leaving her dock or berth, she shall give a signal of one blast of the whistle, of at least 8 seconds duration, which signal shall be answered by a similar blast given by any approaching steam vessel, but she and any approaching vessel shall be governed by Rule 27, the general prudential rule, until her course is apparent, and then both vessels shall be governed by the applicable steering and sailing rules.

[CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.8 Vessels running in the same direction; signals for overtaking.

(a) When one steam vessel is overtaking another and the steam vessel astern shall desire to pass on the right or starboard side of the steam vessel ahead, she shall give one distinct blast of the whistle as a signal of such desire and, if the vessel ahead answers with one blast, she shall direct her course to starboard; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two distinct blasts of the whistle as a signal of such desire and, if the vessel ahead answers with two blasts, she shall direct her course to port; or if the vessel ahead does not think it safe for the vessel astern to pass at that time, she shall immediately signify the same by giving the danger signal of several short and rapid blasts of the whistle, not less than five. It shall then be the duty of the steam vessel astern to hold back and, after an appropriate interval, if she still desires to pass, to make the proper signal so indicating; but under no circumstances shall the steam vessel astern attempt to pass the steam vessel ahead until such time as they have reached a point where it can be safely done, and the steam vessel ahead shall signify her willingness by blowing the proper answering signal. The steam vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the other steam vessel.

(b) Every vessel coming up with another vessel from any direction more than two points abaft her beam; that is, in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of the rules in this part, or relieve her of the duty of keeping clear of the overtaken vessel until the overtaken vessel is finally passed and cleared.

(c) As the overtaking vessel cannot always know with certainty whether she is forward or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

[CGFR 47-61, 13 FR 639, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 66-32, 31 FR 10323, July 30, 1966]

### § 90.10 Vessels approaching each other at right angles or obliquely.

(a) When two steam vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one steam vessel is overtaking another, the steam vessel which has the other on her own port side shall hold her course and speed; and the steam vessel which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other steam vessel; or, if necessary to do so, slacken her speed or stop or reverse. The steam vessel having the other on her own port side shall blow one distinct blast of her whistle as a signal of her intention to cross the bow of the other, holding her course and speed, which signal shall be promptly answered by the other steam vessel by one distinct blast of her whistle as a signal of her intention to direct her course to starboard so as to cross the stern of the other steam vessel or otherwise keep clear.

(b) If from any cause whatever the conditions covered by this situation are such as to prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both steam vessels shall be stopped, and backed if necessary, until signals for passing with safety are made and understood.

[CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.12 Departure from the rules.

In obeying and construing the rules in this part due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

[Pilot rules for the Great Lakes Apr. 1, 1937. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.15 Distress signals; posting of rules; diagrams; starting, stopping, and backing signals.

(a) *Distress signals.* When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

(1) In the daytime:

(i) A gun or other explosive signal fired at intervals of about a minute.

(ii) The distant signal consisting of a square flag having either above or below it a ball or some object resembling a ball.

(iii) A continuous sounding with any fog-signal apparatus.

(iv) Slowly and repeatedly raising and lowering arms outstretched to each side.

(2) At night:

(i) A gun or other explosive signal fired at intervals of about a minute.

(ii) Flames from the vessel (as from burning a tar barrel, oil barrel, etc.)

(iii) Rockets or shells, throwing stars of any color or description fired one at a time at short intervals.

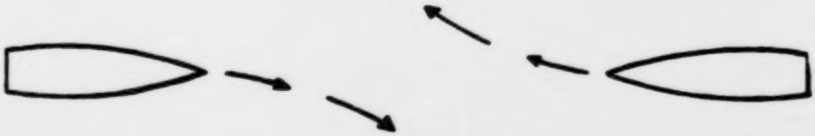
(iv) A continuous sounding with any fog-signal apparatus.

(b) *Posting of pilot rules.* (1) On every vessel, two copies of the pamphlet containing the Pilot Rules for the Great Lakes (CG-172) or two copies of a placard containing these Rules shall be kept posted, wherever practicable, in conspicuous places, one copy of which shall be in the pilothouse. When the pamphlet is secured in plain sight in such a manner that it can be used as a reference, it is considered to be posted.

(2) Nothing in this section shall require copies of the pilot rules to be carried on board any motorboat as defined by section 1 of the act of April 25, 1940 (54 Stat. 163; 46 U.S.C. 526-526t).

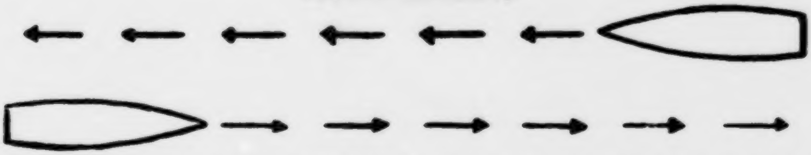
(c) *Diagrams.* The following diagrams are intended to illustrate the working of the system of colored lights and pilot rules:

### FIRST SITUATION



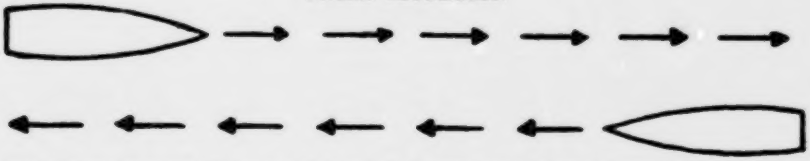
Here the two colored lights visible to each will indicate their direct approach "head and head" toward each other. In this situation it is a standing rule that both shall direct their courses to starboard and pass on the port side of each other, each having previously given one distinct blast of the whistle.

### SECOND SITUATION



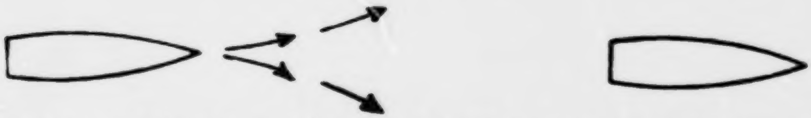
In this situation the red light only will be visible to each, the screens preventing the green lights from being seen. Both vessels are evidently passing to port of each other, which is rulable in this situation, each pilot having previously signified his intention by one distinct blast of the whistle.

### THIRD SITUATION



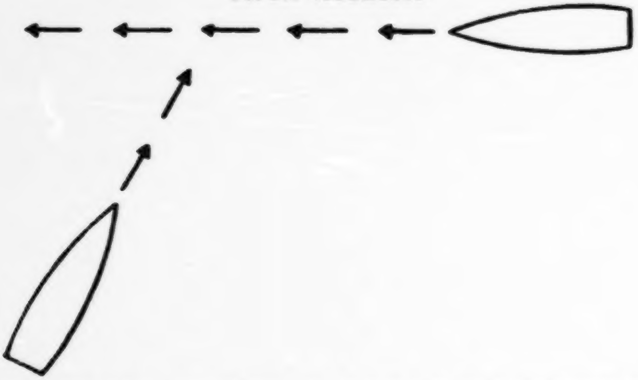
In this situation the green light only will be visible to each, the screens preventing the red light from being seen. They are therefore passing to starboard of each other, which is rulable in this situation, each pilot having previously signified his intention by two distinct blasts of the whistle.

### FOURTH SITUATION



In this situation one steamer is overtaking another steamer from some point within the angle of two points abaft the beams of the overtaken steamer. The overtaking steamer may pass on the starboard or port side of the steamer ahead after the necessary signals for passing have been given, with assent of the overtaken steamer, as prescribed in § 90.8.

### FIFTH SITUATION



In this situation two steamers are approaching each other at right angles or obliquely in such manner as to involve risk of collision, other than where one steamer is overtaking another.

The steamer which has the other on her own port side shall hold course and speed, and the other shall keep clear by crossing astern of the steamer that is holding course and speed, or, if necessary to do so, shall slacken her speed or stop or reverse.

Both steamers shall otherwise observe the provisions of §§ 90.2 and 90.10 with respect to the signals for passing and the danger signal.

(d) *Starting, stopping and backing signals.* (1) The signals between the master or pilot and the engineer, when made by a bell, gong or whistle, shall be as follows:

| | |
|---|---|
| 1 whistle, bell or gong | Go ahead |
| 1 whistle, bell or gong | Stop |
| 2 whistles, bells or gongs | Back |
| 3 whistles, bells or gongs | Check |
| 4 whistles, bells or gongs | Strong |
| 4 whistles, bells or gongs | All right |

(2) Two whistles, two bells or two gongs shall always mean back, irrespective of other signals previously given.

[Pilot rules for the Great Lakes, Apr. 1, 1937, as amended by Order 83, 6 FR 1388, Mar. 12, 1941; CGFR 47-61, 13 FR 689, Feb. 14, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 60-34, 25 FR 4451, May 20, 1960; CGFR 63-23, 28 FR 4753, May 16, 1963; CGFR 66-32, 31 FR 10323, July 30, 1966]

### § 90.15a Warning signals for Coast Guard vessels while handling or servicing aids to navigation.

(a) Coast Guard vessels while engaged in handling or servicing an aid to navigation during the daytime may display from the yard two orange and white vertically striped balls in a vertical line not less than three feet nor more than six feet apart, and during the nighttime may display, in a position where they may best be seen, two red lights in a vertical line not less than three feet nor more than six feet apart.

(b) Vessels, with or without tows, passing Coast Guard vessels displaying this signal, shall reduce their speed sufficiently to insure the safety of both vessels, and when passing within 200 feet of the Coast Guard vessels displaying this signal, their speed shall not exceed 5 miles per hour.

[CGFR 51-26, 16 FR 5767, June 16, 1951]

## RULES FOR LIGHTS FOR CERTAIN CLASSES OF VESSELS

### § 90.16 Lights for tugs under 100 tons register (net) whose principal business is harbor towing.

(a) Tugs under 100 tons register (net) whose principal business is harbor towing, navigating the Great Lakes and their connecting and tributary waters as far east as Montreal, shall carry the red and green side lights carried by other steamers; and, at the foremast head, or, if the steamer has no foremast, then on top of the pilot house, a white light so constructed as to show a uniform and unbroken light over an arc of the horizon of 20 points of the compass, and so fixed as to throw the light 10 points on each side of the vessel, namely, from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles; and when towing, except when towing a raft, shall carry an additional white light of same character and construction as the headlight, and hung not less than 3 feet vertically above or below the headlight.

(b) When towing a raft, the two headlights shall be carried in a horizontal line athwartships not less than 4 feet apart, each so fixed as to throw the light all around the horizon, and of such character as to be visible at a distance of at least 3 miles.

(Sec. 1, 28 Stat. 646, as amended; 33 U.S.C. 256)

[Pilot rules for the Great Lakes, Apr. 1, 1937. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.17 Lights for boats navigating only on the River St. Lawrence.

The lights for boats of all kinds navigating only on the River St. Lawrence as far east as Montreal shall be the same as required by law for vessels navigating the Great Lakes, and as required by the rules of the Commandant, for ferryboats, rafts, canal boats, and watercraft propelled by hand power, horsepower, or by the current of the river.

(Sec. 1, 28 Stat. 646, as amended; 33 U.S.C. 256)

[8 FR 2600, Mar. 2, 1943. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.18 Lights for ferryboats.

(a) Ferryboats propelled by steam or machinery and navigating the waters of the Great Lakes and their connecting and tributary waters as far east as Montreal shall carry the white light or lights and the colored side lights required by law to be carried on steam vessels navigating those waters, except that double-end ferryboats shall carry a central range of clear, bright, white lights, showing all around the horizon, placed at equal altitudes forward and aft, also on the starboard side a green light, and on the port side a red light, of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(b) The green and red lights shall be fitted with inboard screens projecting at least 3 feet forward from the lights, so as to prevent them from being seen across the bow.

(c) Officers in Charge, Marine Inspection, in districts having ferryboats shall, whenever the safety of navigation may require, designate for each line of such boats a certain light, white or colored, which shall show all around the horizon, to designate and distinguish such lines from each other, which light shall be carried on a flagstaff amidships, 15 feet above the white range lights.

(Sec. 1, 28 Stat. 646, as amended; 33 U.S.C. 256)

[Pilot rules for the Great Lakes, Apr. 1, 1937, as amended at 8 FR 2600, Mar. 2, 1943; 8 FR 10764, Aug. 3, 1943. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.19 Lights for canal boats in tow of steam vessels.

(a) Canal boats when in tow of steam vessels on the Great Lakes and their connecting and tributary waters as far east as Montreal shall carry lights as follows:

(1) Canal boats when towed astern of steam vessels and towed singly or tandem shall each carry a green light on the starboard side, a red light on the port side, and a small bright white light aft.

(2) When canal boats are towed at a hawser in one or more tiers, two or more abreast, the boat on the starboard side of each tier shall carry a green light on her starboard side, and the boat on the port side of each tier shall carry a red light on her port side, and each of the outside boats in the last tier shall also carry a small bright white light aft.

(3) When a canal boat is towed alongside and on the starboard side of a steamer, the boat towed shall carry a green light on the starboard side; and when towed on the port side of a steamer, the boat towed shall carry a red light on the port side.

(4) When two canal boats are towed alongside of a steamer, one on the starboard and one on the port side, the starboard boat shall carry a green light on the starboard side and the port boat shall carry a red light on the port side.

(b) The colored side lights referred to in this section for canal boats in tow of steam vessels shall be fitted with inboard screens, so as to prevent them from being seen across the bow, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on either side. The minimum size of glass globe shall not be less than 6 inches in diameter and 5 inches high in the clear.

(c) The small bright white light aft required to be carried on canal boats in tow shall not be visible forward of the beam.

(Sec. 1, 28 Stat. 646, as amended; 33 U.S.C. 256)

[Pilot rules for the Great Lakes, Apr. 1, 1937. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.19a Lights for canal boats towed by being pushed ahead.

When a tow of one or more canal boats is towed by being pushed ahead of a steam vessel such tow shall carry a green light on the starboard side and a red light on the port side so placed that they mark the tow at its maximum projection to starboard and port, respectively, and may carry an amber light at the extreme forward end of the tow as near the centerline as it is practicable to carry such light. The term "canal boats" as used in this section shall be construed to include barges, scows, and other craft of nondescript type not otherwise provided for by statute or regulations in this part. The amber light described shall show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side, namely from right ahead to two points abaft the beam on either side, and be of such a character as to be visible at a distance of at least three miles. The colored side lights shall be fitted with inboard screens so as to prevent them from being seen across the bow, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on either side.

(Sec. 1, 28 Stat. 646, as amended; 33 U.S.C. 256)

[CGFR 49-10, 14 FR 1846, Apr. 16, 1949]

### § 90.20 Lights for water craft propelled by hand power, horsepower, or by current.

(a) Any vessel propelled by hand power, horsepower, or by the current of the river, navigating any bay, harbor, or river of the Great Lakes, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, of the Great Lakes, except rafts and rowing boats under oars, shall carry one white light forward not less than 8 feet above the surface of the water, which light shall be carried, from sunset to sunrise, in a lantern so fixed and constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and of such intensity as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile.

(b) Rowing boats under oars shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

(Sec. 1, 28 Stat. 647, as amended; 33 U.S.C. 259)

[Pilot rules for the Great Lakes, Apr. 1, 1937. Redesignated at 13 FR 7303, Nov. 30, 1948]

### § 90.21 Lights for rafts.

(a) Rafts on the Great Lakes and their connecting and tributary waters as far east as Montreal, propelled by hand power, horsepower, or by the current of the river, or in tow, or which shall be anchored or moored in or near a channel or fairway of other vessels, shall carry lights as follows:

(1) Rafts of one crib and not more than two in length shall carry one white light. Rafts of three or more cribs in length and one crib in width shall carry one white light at each end of the raft. Rafts of more than one crib abreast shall carry one white light on each outside corner of the raft, making four lights in all.

(2) Bag or boom rafts navigating or anchored in the fairway of any bay, harbor, or river shall carry a bright white light at each end of the raft, and one of such lights on each side midway between the forward and aft ends.

(b) The white lights required by this section for rafts shall be carried, from sunset to sunrise, in a lantern so fixed and constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and of such intensity as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile; which lights shall be suspended from poles of such height that light shall not be less than 8 feet above the surface of the water.

(Sec. 1, 28 Stat. 646, 647 as amended; 33 U.S.C. 256, 259)

[Pilot rules for the Great Lakes, Apr. 1, 1937. Redesignated at 13 FR 7303, Nov. 30, 1948]

## LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

### § 90.22 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(a) The vessel having the submerged object in tow shall display by day, where they can best be seen, two shapes, one above the other, not less than six feet apart, the lower shape to be carried not less than 10 feet above the deck house. The shapes shall be in the form of a double frustrum of a cone, base to base, not less than two feet in diameter at the center nor less than eight inches at the ends of the cones, and to be not less than four feet lengthwise from end to end, the upper shape to be painted in alternate horizontal stripes of black and white, eight inches in width, and the lower shape to be painted a solid bright red.

(b) By night the towing vessel shall display the regular side lights, but in lieu of the regular white towing lights shall display four lights in a vertical position not less than three feet nor more than six feet apart, the upper and lower of such lights to be white, and the two middle lights to be red, all of such lights to be of the same character as the regular towing lights.

[CGD 73-100R, 39 FR 11541, Mar. 29, 1974]

### § 90.23 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

(a) Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting, shall display by day two shapes of the same character and dimensions and displayed in the same manner as required by § 90.22(a), except that both shapes shall be painted a solid bright red, but where more than one vessel is working under the above conditions, the shapes need be displayed only from one vessel on each side of the wreck from which they can best be seen from all directions.

(b) By night this situation shall be indicated by the display of a white light from the bow and stern of each outside vessel or lighter not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck.

[CGD 73-100R, 39 FR 11541, Mar. 29, 1974]

### § 90.24 Dredges held in stationary position by moorings or spuds.

(a) Dredges which are held in stationary position by moorings or spuds shall display by day two red balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, and at least 15 feet above the deck house and in a position where they can best be seen from all directions.

(b) By night they shall display a white light at each corner, not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck. When scows are moored alongside a dredge in the foregoing situation they shall display a white light on each outboard corner, not less than six feet above the deck.

[CGD 73-100R, 39 FR 11542, Mar. 29, 1974]

### § 90.25 Self-propelling suction dredges under way and engaged in dredging operations.

(a) Self-propelling suction dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than 15 feet above the deck house, and where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site, but shall not include proceeding to and from the site.

(b) By night they shall carry, in addition to the regular running lights, two red lights of the same character as the white masthead light and in a vertical line beneath that light, the red lights to be not less than three feet nor more than six feet apart and the upper red light to be not less than four feet nor more than six feet below the masthead light, and on or near the stern two red lights in a vertical line not less than four feet nor more than six feet apart, to show through four points of the compass; that is, from right astern to two points on each quarter.

[CGD 73-100R, 39 FR 11542, Mar. 29, 1974]

### § 90.26 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

(a) Vessels which are moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations, shall display by day, not less than 15 feet above the deck, where they can best be seen from all directions, two balls not less than two feet in diameter, in a vertical line not less than three feet nor more than six feet apart, the upper ball to be painted in alternate black and white vertical stripes six inches wide, and the lower ball to be painted a solid bright red.

(b) By night they shall display three red lights, carried in a vertical line not less than three feet nor more than six feet apart, in a position where they can best be seen from all directions, with the lowermost light not less than 15 feet above the deck.

(c) Where a stringout of moored vessels or barges is engaged in the operations, three red lights carried as prescribed in paragraph (b) of this section shall be displayed at the channelward end of the stringout. Where the stringout crosses the navigable channel and is to be opened for the passage of vessels, the three red lights shall be displayed at each side of the opening instead of at the outer end of the stringout. There shall also be displayed upon such stringout one horizontal row of amber lights not less than six feet above the deck, or above the deck house where the craft carries a deck house, in a position where they can best be seen from all directions, spaced not more than 50 feet apart so as to mark distinctly the entire length and course of the stringout.

[CGD 73-100R, 39 FR 11542, Mar. 29, 1974]

### § 90.27 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of yellow lights. The lights must be—

(i) Flashing from 50 to 70 times per minute;

(ii) Visible all around the horizon;

(iii) Not less than eight and not more than 12 feet above the water;

(iv) Approximately equally spaced; and

(v) Not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's length and course.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—

(i) Visible all around the horizon; and

(ii) Three feet apart in a vertical line with the lower light at the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

[CGD 73-216, 44 FR 11053, Feb. 26, 1979]

### § 90.27a Lights to be displayed on pipelines disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredges must—

(1) Display the lights on the pipelines as required in § 90.27 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—

(i) Visible all around the horizon; and

(ii) Three feet apart in a vertical line with the lower light at the same height above the water as the flashing yellow lights.

(b) If a section of the pipeline disengaged from the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

((14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGD 73-216, 44 FR 11053, Feb. 26, 1979]

### § 90.28 Lights generally.

(a) All the lights required by §§ 90.22 to 90.27a, inclusive, except as provided in §§ 90.22(b) and 90.25(b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles.

(b) The lights required by § 90.22(b) to be of the same character as the regular towing lights, and the lights required by § 90.25(b) to be of the same character as the masthead light, shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least five miles.

(c) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

((14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGD 73-100R, 39 FR 11542, Mar. 29, 1974, as amended by CGD 73-216, 44 FR 11053, Feb. 26, 1979]

### § 90.29 Vessels moored or at anchor.

Vessels of more than 65 feet in length when moored or anchored in a fairway or channel shall display between sunrise and sunset on the forward part of the vessel where it can best be seen from other vessels one black ball not less than two feet in diameter.

[CGD 73-100R, 39 FR 11542, Mar. 29, 1974]

## PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

### § 90.30 Passing signals.

(a) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the local pilot rules for vessels under way and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(b) When the pipe line from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipe line or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipe line shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (a) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(c) When any pipe line or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

NOTE: The term "floating plant" as used in §§ 90.30 to 90.36, includes dredges, derrick boats, snag boats, drill boats, pile drivers, maneuver boats, hydraulic graders, survey boats, working barges, and mat sinking plant.

[CGD 73-100R, 39 FR 11542, Mar. 29, 1974]

### § 90.31 Speed of vessels passing floating plant working in channels.

Vessels, with or without tows, passing floating plant working in channels, shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant their speed shall not exceed five miles per hour. While passing over lines of the plant, propelling machinery shall be stopped.

[CGD 73-100R, 39 FR 11542, Mar. 29, 1974]

### § 90.32 Light-draft vessels passing floating plant.

Vessels whose draft permits shall keep outside the buoys marking the ends of mooring lines of floating plant working in channels.

[CGD 73-100R, 39 FR 11543, Mar. 29, 1974]

### § 90.33 Aids to navigation marking floating plant moorings.

Breast, stern, and bow anchors of floating plant working in navigable channels shall be marked by barrel or other suitable buoys. By night approaching vessels shall be shown the location of adjacent buoys by throwing a suitable beam of light from the plant on the buoys until the approaching vessel has passed, or the buoys may be lighted by red lights, visible in all directions, of the same character as specified in § 90.28(a).

[CGD 73-100R, 39 FR 11543, Mar. 29, 1974]

### § 90.34 Obstruction of channel by floating plant.

Channels shall not be obstructed unnecessarily by any dredging or other floating plant. While vessels are passing such plant all lines running therefrom across the channel on the passing side which may interfere with or obstruct navigation shall be slacked to the bottom of the channel.

[CGD 73-100R, 39 FR 11543, Mar. 29, 1974]

### § 90.35 Clearing of channels.

When special or temporary regulations have not been prescribed and action under the regulations contained in §§ 90.30 to 90.34 will not afford clear passage, floating plant in narrow channels shall, upon notice, move out of the way of vessels a sufficient distance to allow them a clear passage. Vessels desiring passage shall, however, give the master of the floating plant ample notice in advance of the time they expect to pass.

NOTE: If it is necessary to prohibit or limit the anchorage or movement of vessels within certain areas in order to facilitate the work of improvement, application should be made through official channels for establishment by the Secretary of the Army of special or temporary regulations for this purpose.

[CGD 73-100R, 39 FR 11543, Mar. 29, 1974]

### § 90.36 Protection of marks placed for the guidance of floating plant.

Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant.

[CGD 73-100R, 39 FR 11543, Mar. 29, 1974]

### § 90.37 Lights for Great Lakes pilot vessels.

(a) A power driven pilot vessel when engaged on pilotage duty and under way:

(1) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length the vessel may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

(2) Shall carry the sidelights prescribed by Great Lakes Rule 3 (33 U.S.C. 252) or by the Act of April 25, 1940 (46 U.S.C. 526b), as appropriate, and a white light at the stern showing an unbroken light over an arc of the horizon of 135°, so fixed as to show the light 67½° from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flareup lights.

(b) A sailing pilot vessel when engaged on pilotage duty and underway:

(1) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

(2) Shall be provided with the sidelights prescribed in paragraph (a)(2) of this section or the portable lanterns prescribed by Great Lakes Rule 8 (33 U.S.C. 257), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which the pilot vessel is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. The vessel shall also carry the stern light prescribed in paragraph (a)(2) of this section.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes.

(c) A pilot vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in paragraph (a) (1) and (3) or (b) (1) and (3) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in Great Lakes Rule 9 (33 U.S.C. 253).

(d) A pilot vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of the same length.

[CGD 73-100R, 39 FR 11543, Mar. 29, 1974]

## MISCELLANEOUS

### § 90.38 Rule relating to the use of searchlights or other blinding lights.

Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of R.S. 4450 as amended (46 U.S.C. 239), looking to the revocation or suspension of his license or certificate.

(R.S. 4405, as amended; 46 U.S.C. 375)

[Order 137, 6 FR 4214, Aug. 20, 1941. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 61-55, 26 FR 12573, Dec. 28, 1961. Redesignated by CGD 73-100R, 39

FR 11541, Mar. 29, 1974; 39 FR 24008, June 28, 1974]

### § 90.39 Rule prohibiting unnecessary sounding of the whistle.

Unnecessary sounding of the whistle is prohibited within any harbor limits of the United States. Whenever any licensed officer in charge of any vessel shall authorize or permit such unnecessary whistling, such officer may be proceeded against in accordance with the provisions of R.S. 4450, as amended (46 U.S.C. 239), looking to a revocation or suspension of his license.

(R.S. 4405, as amended; 46 U.S.C. 375)

[3 FR 1244, June 1, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 61-55, 26 FR 12573, Dec. 28, 1961. Redesignated by CGD 73-100R, 39 FR 11541, Mar. 29, 1974; 39 FR 24008, June 28, 1974]

### § 90.40 Rule prohibiting the carrying of unauthorized lights on vessels.

Any master or pilot of any vessel who shall authorize or permit the carrying of any light, electric or otherwise, not required by law that in any way will interfere with distinguishing the signal lights may be proceeded against in accordance with the provisions of R.S. 4450, as amended, looking to a suspension or revocation of his license.

(R.S. 4405, as amended; 46 U.S.C. 375)

[3 FR 1244, June 1, 1938. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 61-55, 26 FR 12573, Dec. 28, 1961. Redesignated by CGD 73-100R, 39 FR 11541, Mar. 29, 1974; 39 FR 24008, June 28, 1974]

### § 90.41 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30-1(a), 98.25-90(f), 146.29-25(o), 151.45-9, and 153.953 require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

[CGFR 60-61, 25 FR 9046, Sept. 21, 1960. Redesignated by CGD 73-100R, 39 FR 11541, Mar. 29, 1974; 39 FR 24008, June 28, 1974; CGD 80-78, 45 FR 43704, June 30, 1980]

### § 90.46 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the forward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

[CGFR 66-32, 31 FR 10323, July 30, 1966. Redesignated by CGD 73-100R, 39 FR 11541, Mar. 29, 1974; 39 FR 24008, June 28, 1974]

## PART 91—INTERPRETIVE RULINGS

Subpart 91.01—General Provisions

Sec.
91.01-1 Scope.
91.01-10 Penalties and violations.
91.01-12 Coast Guard vessels of special construction.

Subpart 91.05—Navigation Lights

91.05-1 White lights for motorboats carried on centerline.

AUTHORITY: 80 Stat. 383, as amended, sec. 1, 63 Stat. 545, sec. 6(b)(1), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), unless otherwise noted.

### Subpart 91.01—General Provisions

**§ 91.01-1 Scope.**

The regulations in this part are interpretive rulings with respect to "Rules of the Road" requirements applicable to all vessels of the United States while in the Great Lakes and their connecting and tributary waters as far east as Montreal and in the navigation of all other vessels upon such lakes and waters while within the territorial waters of the United States.

[CGFR 59-5, 24 FR 3506, May 1, 1959]

**§ 91.01-10 Penalties and violations.**

(a) Failure to comply with any law as interpreted will be considered as a violation of such law and the penalty may be assessed as provided by law.

(b) The reports of violations of the "Rules of the Road," as well as the assessment, collection, mitigation or remission of civil penalties authorized by law, shall be in accordance with 33 CFR, Subpart 1.07.

[CGFR 59-5, 24 FR 3506, May 1, 1959, as amended by CGD 74-46, 39 FR 19473, June 3, 1974]

**§ 91.01-12 Coast Guard vessels of special construction.**

Each Coast Guard vessel of special construction that cannot comply with the provisions of the Act of February 8, 1895, as amended (28 Stat. 645-650; 33 U.S.C. 241-294) concerning the number, position, range of visibility, or arc of visibility of lights, is listed in Appendix B of Subchapter DD of this chapter.

(Sec. 1, 59 Stat. 590, (33 U.S.C. 360); sec. 6, International Navigational Rules Act of 1977 (Pub. L. 95-75; 91 Stat. 308); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); E.O. 11964; 49 CFR 1.46(b))

[CGD 76-134, 42 FR 57650, Nov. 3, 1977]

### Subpart 91.05—Navigation Lights

**§ 91.05-1 White lights for motorboats carried on centerline.**

Every white light required by section 3 of the Act of April 25, 1940, as amended (46 U.S.C. 526b), shall be carried on the centerline of the motorboat, except that the all-around white light aft on a motorboat of Class A or 1 may be carried off the centerline.

[CGFR 59-5, 24 FR 3506, May 1, 1959]

## PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARY'S RIVER, MICHIGAN

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AUTHORITY: Secs. 1-3, 29 Stat. 54-55, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

SOURCE: CGFR 51-62, 17 FR 120, Jan. 4, 1952; 17 FR 203, Jan. 8, 1952, unless otherwise noted.

### § 92.01 General instructions.

The regulations in this part control vessel traffic in the United States waters of the St. Mary's River between Point Iroquois and Point Detour, except the waters of the St. Mary's Falls Canal. The regulations in this part shall not be considered to cover all of the obligations imposed by the law upon vessels and their operators, and shall not be construed as relieving the owners or persons operating vessels from any penalties which might be incurred in the violation of any of the general laws relating to shipping on the Great Lakes and tributary waters, or a violation of regulations issued pursuant to such laws.

### § 92.03 Captain of the Port.

The Coast Guard officer to whom is assigned the duty of enforcing the rules and regulations in this part is designated "Captain of the Port." His office is at Sault Ste. Marie, Mich.

### § 92.05 St. Mary's River patrol.

The St. Mary's River patrol comprises all of the personnel and equipment of the Coast Guard employed by the captain of the port in the enforcement of the rules and regulations in this part.

### § 92.07 District engineer.

The officer of the United States Army Engineers in charge of the district is authorized to declare any channel closed when by reason of low water, obstruction, or obscurity in the channel or other cause, he deems such action necessary for the safety of shipping; and under contrary circumstances, or for the expediting of vessel passage, to declare any channel open. He or his local representative decides the proper disposition of dredging and wrecking outfits legally engaged in improving or clearing a channel, and the allowable maximum speed and draft of vessels in channels which are impaired temporarily. His decisions with respect to the foregoing are duly communicated to the captain of the port. The movement of vessels in the St. Mary's Falls Canal are under the direction of the district engineer or his local representative.

### § 92.13 Routing of traffic in channels.

The routing of traffic through the several dredged channels is contingent upon the physical conditions in them; and the vessel masters should be prepared upon notice from the patrol, or through published notification, to follow such alternate route as may be prescribed, or to proceed with caution. Under normal conditions traffic passes up the Middle Neebish Channel, and down the West Neebish Channel; but it may be necessary in emergency to pass two-way traffic in either of those channels. It may also become necessary to close either or both channels for a short time owing to obscurity of navigation marks, in which case vessels should be prepared to anchor and wait a clearing away of obscurity.

### § 92.19 Temporary closure of West Neebish Channel.

(a) In the event the West Neebish Channel is temporarily closed to navigation (due to dredging, grounding of vessels, or other reasons), the resulting two-way navigation will pass through the Middle Neebish, Munuscong, and Sailors Encampment Channels.

(b) In these channels between Lake Munuscong and Lake Nicolet, the westerly 300-foot portion of these channels provides a 27-foot depth and the easterly 200-foot portion provides a 21-foot depth. When vessel drafts permit upbound vessels shall use the easterly (21-foot depth) portion of these channels. All downbound vessels shall use the westerly (27-foot depth) portion of these channels.

(c) [Reserved]

(d) A downbound vessel when abeam of Nine Mile Point may make a "Securite Call" to inform all traffic that she is now entering the two-way traffic channels.

[CGFR 62-4, 27 FR 3200, Apr. 4, 1962, July 4, 1969, as amended by CGFR 72-169R, 37 FR 21151, Oct. 6, 1972; CGD 75-174, 42 FR 2681, Jan. 13, 1977]

### § 92.21 Sound signals used by patrol.

(a) Two short blasts and one long blast of whistle or horn indicate that the signalling unit desires to speak a passing vessel, and the signaled vessel will check speed and await orders. Vessels should use this signal to speak a lookout station or passing patrol boat.

(b) Three long blasts of whistle or horn indicate that the vessel signaled is moving at too high a rate of speed. This signal may be used by dredging and wrecking plants working in channels.

### § 92.23 Definitions.

(a) The word "vessel," as used in this part, shall be held to include all types of floating craft and equipment. Where special provisions apply only to rafts, dredges, etc., the type will be specified by its class designation.

(b) Speed limits established in this part are expressed in terms of statute miles per hour over the ground.

### § 92.25 Obedience to instructions.

All persons in charge of or operating vessels in the St. Mary's River are required to yield prompt and implicit obedience to the directions of the captain of the port and the officers and men of the St. Mary's River patrol, acting under his instructions, in connection with the enforcement of the rules and regulations in this part.

### § 92.26 Reporting procedures for vessels transiting the St. Mary's River.

(a) Every upbound vessel, when abeam of Detour Reef Light shall notify the Coast Guard Control Office, St. Mary's River Patrol (Radiotelephone call: "Soo Control"), of her time of passage at Detour Reef Light and her draft.

(b) Similarly, every downbound vessel, when abeam of Parisienne Island (Ile Parisienne), shall notify the Coast Guard Control Office, St. Mary's River Patrol (Radiotelephone call: "Soo Control"), of her time of passage at Parisienne Island and her draft. Such vessel when making the turn from the Birch Point Range on to the Brush Point Range shall make a second call to "Soo Control" reporting her position. Such vessel when turning on to the Point Aux Pins Channel Range at Brush Point (old Coast Guard Lookout Station No. 6) shall make a third call to "Soo Control" reporting her position.

[CGFR 62-4, 27 FR 3200, Apr. 4, 1962, as amended by CGFR 66-32, 31 FR 10323, July 30, 1966]

### § 92.27 Anchorage grounds.

The authorized anchorage grounds are those areas outside of the dredged channels, and clear of the steering courses in other portions of the St. Mary's River, between Point Iroquois and Point Detour. Vessels shall be anchored so as not to swing into channel limits or across steering courses.

### § 92.29 Emergency anchoring.

A vessel may be permitted in an emergency, due to breakdown of machinery or other accident or obscurity of navigation marks, to anchor in a dredged channel; but the vessel shall be anchored as near the edge of the channel as possible, and shall get under way and proceed as soon as the emergency ceases, unless otherwise directed.

### § 92.31 Forbidden anchorage.

It is forbidden to anchor a vessel at any time in the area to the southward of the Point Aux Pins Range, lying between Brush Point and the waterworks intake crib off Big Point; also within a quarter mile of the said intake crib in any direction.

[CGFR 62-4, 27 FR 3200, Apr. 4, 1962]

### § 92.33 Dredging and wrecking plants in channel.

Duly authorized dredging and wrecking plants, when engaged in improving or clearing a channel, will be permitted to anchor or moor in the channel under such conditions as may be prescribed by the district engineer or his local representative.

### § 92.35 Shifting anchorage when directed.

The captain of the port, or the St. Mary's River patrol acting under his instructions, is empowered to cause any anchored vessel to shift anchorage when and as directed, whenever in the judgment of the enforcing officer such action is deemed necessary for the safety of vessels, the safe or expeditious passage of shipping, or the preservation or effective operation of Government installations. In enforcing this section the officer will have due regard for the hazards of navigation and vessel handling which may exist at the time, and under such circumstances will permit a reasonable delay in compliance by the vessel directed to move.

### § 92.37 Order of departure from anchorage.

(a) Whenever vessels collect in any part of the river or on anchorage grounds, by reason of temporary closure of channel or impediment to navigation, the order of getting under way and proceeding by the vessels so collected shall be the order in which they arrived at the place of assembly, unless otherwise directed by a unit of the patrol. The patrol is authorized to advance any vessel in the order of procedure to expedite the movement of mails, passengers, or cargo of a perishable nature, or to facilitate passage of vessels through any channel when partially obstructed by ice or by other causes, or to facilitate passage through the locks as indicated to the patrol by the officer in charge of the St. Mary's River Canal.

(b) When by reason of ice or other special conditions, it is obvious that low power vessels, vessels of particular construction, tows or rafts, cannot maintain their order of proceeding and constitute a hazard to other vessels capable of proceeding, the Captain of the Port may declare emergency conditions existing and temporarily refuse such vessel permission to enter or proceed in the river.

[CGFR 53-7, 18 FR 1265, Mar. 6, 1953]

### § 92.39 Visual signals for dredges and wrecking plants.

Dredges and wrecking plants while engaged in working on the St. Mary's River shall display the visual signals prescribed for them by the Department of the Army

### § 92.41 Visual signals on vessel aground in channel.

A vessel aground in a dredged channel shall carry from sunset to sunrise in addition to the white light or lights prescribed for a vessel at anchor, two red lights hoisted vertically not less than 3 feet apart, in such position and height as to be readily visible to vessels bound up and down the channel.

### § 92.43 Sound signal for vessel aground in the channel.

A vessel aground in a channel shall sound several short and rapid blasts of her whistle, not less than five, upon the approach of another vessels over the prescribed tonnage making. If the approaching vessel cannot pass with safety, she shall stop and make proper dispositions to avoid fouling the grounded vessel, and shall upon the approach of another vessel coming up astern sound the same signal. Should additional vessels approach from that same direction, it shall be the duty of the last vessel in line to sound this signal. In times of low visibility, the signal described herein shall be in addition to the prescribed fog signal.

### § 92.45 Special sound signal for Middle Neebish Channel.

When two-way traffic is prescribed for Middle Neebish Channel, a downbound vessel when abreast of Coyle Point shall sound a blast of her whistle of at least 8 seconds' duration, and an upbound vessel when abreast of

Everens Point shall sound the same signal.

[CGFR 53-7, 18 FR 1265, Mar. 6, 1953]

### § 92.47 Temporary closure of channel.

When any channel is closed or under limited traffic conditions, no vessel shall proceed except in accordance with the provisions of § 92.37, without specific orders from the patrol.

[CGFR 53-7, 18 FR 1265, Mar. 6, 1953]

### § 92.49 Speed limits for vessels of 50 gross tons or over.

(a) The speed limits in paragraphs (b), (c), (d), and (e) of this section are in statute miles per hour over the ground. The speed limits may not be exceeded by any upbound or downbound vessel of 50 gross tons or over.

(b) Detour Reef Light to Point Aux Frenes Passing Range South Front Light: The speed limit between—

(1) Detour Reef Light and Sweets Point Light is 17 miles per hour; and

(2) Round Island Light and Point Aux Frenes Passing Range South Front Light is 14 miles per hour.

(c) Munuscong Channel Lighted Buoy 8 to Lake Nicolet Light 80: The speed limit between—

(1) Munuscong Channel Buoy 8 and Munuscong Channel Buoy 14 is 12 miles per hour;

(2) Munuscong Channel Buoy 14 and Sailors Encampment Channel Buoy 26 is 9 miles per hour;

(3) Sailors Encampment Channel Buoy 26 and Lake Nicolet Lighted Buoy 62 is 10 miles per hour; and

(4) Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80 is 12 miles per hour.

(d) Lake Nicolet Light 80 and West Neebish Channel Light 10: The speed limit between Lake Nicolet Light 80 and West Neebish Channel Light 10 is 10 miles per hour;

(e) Lake Nicolet Light 80 to Pointe Aux Pins Main Light: The speed limit between—

(1) Lake Nicolet Light 80 and Six-Mile Point Range Rear Light is 10 miles per hour;

(2) Six-Mile Point Range Rear Light and the lower limit of the St. Marys Falls Canal is 8 miles per hour for upbound vessels and 10 miles per hour for downbound vessels; and

(3) The upper limit of the St. Mary's Falls Canal and Pointe Aux Pins Main Light is 12 miles per hour.

(f) The Commander, Ninth Coast Guard District may establish, raise, lower, or otherwise amend speed limit regulations on the St. Mary's River. In exercising this authority, the District Commander considers all interests affected by the speed of vessels in the river, including the protection of the property of riparian owners. The regulations issued by the Commander, Ninth Coast Guard District are published in the FEDERAL REGISTER and in the Notice to Mariners.

(Sec. 6(b), 80 Stat. 937; 49 U.S.C. 1655(b); 49 CFR 1.46(b))

[CGD 72-96R, 37 FR 23540, Nov. 4, 1972; CGD 72-96CR, 38 FR 1587, Jan. 16, 1973, as amended by CGD 72-96RC, 38 FR 2687, Jan. 29, 1973]

### § 92.55 Speed limit approaching St. Mary's Falls Canal.

Vessels approaching the St. Mary's Falls Canal shall at all times reduce speed to the extent of being under full control with ability to maneuver in accordance with the instructions of the officers in charge of the St. Mary's Falls Canal before entering the canal.

### § 92.57 Pipe Island passages.

Vessels of 500 gross tons or over shall leave Pipe Island Shoal and Pipe Island on the port hand in passing them, except that an upbound vessel which will stop at one of the Detour Coal Wharves above Watson Reefs may pass to the westward of the shoal and island.

[CGFR 53-7, 18 FR 1265, Mar. 6, 1953]

### § 92.59 Directional Neebish Channels.

When both the Middle Neebish Channel and the West Neebish Channel are available to traffic, vessels of 100 gross tons or over shall pass upbound through Middle Neebish Channel and downbound through West Neebish Channel. Vessels over the prescribed tonnage making regular local stops in either of those channels may run counter to the general traffic direction only on written permit issued by the captain of the port, for such term and under such conditions of renewal or revocation as he may prescribe. A vessel thus running counter to the general traffic shall keep off the channel range when an approaching vessel is on or entering that range.

### § 92.61 Passing and approach in channels.

(a) In a channel where the speed is restricted to 12 miles an hour or less, no vessel of 500 gross tons or over shall approach nearer than one-quarter of a mile to a vessel bound in the same direction, nor pass such a vessel except between Little Rapids Cut Lighted Buoy No. 105 and the St. Marys Falls Canal, and for upbound vessels, only between Vidal Shoal and Big Point or except as provided in paragraph (b) of this section and § 92.63.

(b) In order to facilitate passing in Lake Nicolet, upbound vessels may, after passing Lake Nicolet Lighted Buoy No. 68 off Shingle Bay, approach not nearer than 500 feet to a vessel bound in the same direction.

[CGFR 62-4, 27 FR 3201, Apr. 4, 1962]

### § 92.63 Vessel passing towing tug going in same direction.

A vessel at normal speed coming up on a tug towing a dredge or scow bound in the same direction as the overtaking vessel in a restricted channel may pass such tow, after the prescribed exchange of signals. Under such circumstances the tug shall not increase speed during the passing, and shall haul with its tow to the proper side of the channel to allow passing room.

### § 92.65 Vessels going in the same direction; when passing prohibited.

No vessel shall pass or attempt to pass another vessel bound in the same direction, when such passing would bring more than two vessels abreast in any of the passages between Lake Munuscong Junction Lighted Bell Buoy in Upper Lake Munuscong and Big Point in the upper St. Mary's River, except that such passing is permitted between Little Rapids Cut Lighted Buoy No. 105 and the St. Mary's Falls Canal.

[CGFR 62-25, 27 FR 8733, Aug. 31, 1962]

### § 92.67 Towing vessels; hauling clear of ranges; tow lines.

(a) Towing vessels engaged in shortening or lengthening tows or dropping or making up tows, mooring or unmooring or anchoring or hoisting anchor, loading or discharging stores or cargo from boats alongside, or awaiting supply boats, shall haul clear of the ranges and permit unobstructed passage to other vessels.

(b) On the connecting waters of the Great Lakes between Point Iroquois, upper St. Mary's River and Frying Pan Island, lower St. Mary's River, the length of tow lines shall not exceed by more than 50 feet, the length of the scow, barge, vessel, or other craft being towed: *Provided*, That no scow, barge, vessel, or other craft shall be required to have a tow line less than 250 feet. The length of the tow line shall be measured from the stern of one vessel to the bow of the following vessel.

### § 92.69 Dropping of towed vessels.

Towed vessels shall not be dropped in any of the usual steering courses, but shall be hauled clear of the course before being left by the towing vessel.

### § 92.71 Speed through dredged channels.

The minimum speed at which any vessel or tow will be permitted to make regular passage through any dredged channel shall be 5 miles an hour over the ground; and any craft which cannot make this speed shall not enter any of the channels until the patrol has been communicated with, and directions received as to further procedure.

### § 92.73 Navigation of dredged channels by sail.

Vessels of 10 gross tons or over shall not navigate any dredged channel under sail power; and such vessel capable of propulsion by both machinery and sail shall not carry sail in any of the dredged channels.

### § 92.75 Obstruction of traffic; retarding other vessels.

No vessel shall maneuver so as to affect adversely the relative position of another vessel when entering any of the cuts, nor attempt to obstruct traffic, nor unnecessarily retard a following vessel, nor increase speed after having signalled permission to an overtaking vessel to pass.

### § 92.77 Rafts in channels.

No raft shall enter any of the dredged channels between Everens Point and the improved channel above Round Island without first having communicated with the patrol and obtained permission and directions as to route and procedure. So long as rafts are in any portion of the passages between the points named they shall be under the control of the patrol, and shall obey all instructions as to time and manner of movement or stoppage. They shall use the Lake George Channel when it will serve their passage toward destination.

### § 92.79 Reporting obstruction of channel.

Any person having knowledge of an obstruction in the channel, or the loss of an anchor, or the grounding of a vessel in or out of the channel, or the striking of any obstruction, or any other hazard or danger to navigation, at any point in the St. Mary's River between Point Detour and Point Iroquois, shall report the same without delay to the Captain of the Port and also to the Corps of Engineers' Control Tower, St. Mary's Falls Canal.

[CGFR 53-7, 18 FR 1265, Mar. 6, 1953]

### § 92.81 Government vessels.

Vessels when signalled to do so shall give way to boats of the St. Mary's River patrol, and to United States vessels on duty in connection with the maintenance of channels, and accord the right of way to such boats and vessels.

### § 92.83 Small craft.

(a) Motorboats as defined by section 1 of an act of Congress approved April 25, 1940 (54 Stat. 163; 46 U.S.C. 526), shall be considered amenable to the provisions of §§ 92.25 to 92.31, inclusive, 92.35, 92.79, and 92.81.

(b) Sail vessels under 10 gross tons shall be considered amenable to the provisions of §§ 92.25 to 92.31, inclusive and 92.35.

# SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

## PART 95—PILOT RULES FOR WESTERN RIVERS

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AUTHORITY: R.S. 4233A, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 353, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), unless otherwise noted.

## GENERAL

### § 95.01 General instructions.

The regulations in this part apply to vessels navigating the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

[CGFR 54-54, 19 FR 8039, Dec. 7, 1954]

### § 95.02 Demarcation lines between "Rules of the Road—Western Rivers," "Rules of the Road—Great Lakes," and "Rules of the Road—Inland Waters."

(a) The demarcation lines between the "Rules of the Road—Western Rivers" and the "Rules of the Road—Great Lakes" are as follows:

(1) On the Calumet River at the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327).

(2) On the Chicago River at the east side of the Ashland Avenue Bridge (between mile 321 and 322).

(b) The demarcation lines between the "Rules of the Road—Western Rivers" and the "Rules of the Road—Inland Waters" are as follows:

(1) At the juncture of the Atchafalaya River and the Port Allen to Morgan City Alternate Waterway, a line drawn through the light structure at mile 2.25 Morgan City-Port Allen Alternate Route perpendicular to the mainstream of the river.

(2) At the juncture of the Port Allen-Morgan City Alternate Waterway and Port Allen-Morgan City Landside Route, a line drawn across the Landside Route following the contour of the East Bank of the Morgan City-Port Allen Alternate Route.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 552, 14 U.S.C. 633; sec. 6 (b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1)); 49 CFR 1.46 (b))

[CGFR 63-62, 28 FR 11016, Oct. 15, 1963, as amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967; CGD 76-129, 44 FR 22457, Apr. 16, 1979]

### § 95.03 Definitions.

(a) In this part the words "steam vessel" or "steamer" shall include any vessel propelled by machinery; and the word "barge" shall include barge, canal boat, scow, and any other vessel of nondescript type not otherwise provided for herein.

(b) The phrase "Western Rivers" shall include only the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

[CGFR 48-49, 13 FR 6478, Nov. 3, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 54-54, 19 FR 8039, Dec. 17, 1954]

### § 95.05 Risk of collision.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

[CGFR 48-49, 13 FR 6478, Nov. 3, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948]

## VESSELS PASSING EACH OTHER

SOURCE: Sections 95.07 to 95.26, CGFR 48-49, 13 FR 6478, Nov. 3, 1948, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

### § 95.07 Vessels meeting at confluence of two rivers.

When two steam vessels meet at the confluence of two rivers, the steam vessel which has the other to port shall give the first signal; but in no case shall pilots on steam vessels attempt to pass each other until there has been a thorough understanding as to the side each steam vessel shall take.

### § 95.09 Danger and cross signals.

(a) The alarm or danger signal shall consist of four or more short and rapid blasts. Steam vessels are forbidden to use what has become technically known among pilots as "cross signals," that is, answering one whistle with two, and answering two whistles with one. In all cases and under all circumstances, a pilot receiving either of the whistle signals provided in the rules in this part with which, for any reason, he deems it injudicious to comply, instead of answering it with a cross signal, shall at once observe the provisions of this section.

(b) The pilot of any steam vessel shall sound the alarm or danger signal whenever required by the law, or any of the regulations hereinafter contained; that is to say, as follows:

(1) Whenever it is dangerous to take the side indicated by the passing signal of another vessel; or,

(2) Whenever any steam vessel does not understand or is in doubt regarding the signal of another steam vessel; or,

(3) Whenever, from any cause, one steam vessel is imperiled by another.

### § 95.11 Narrow channels.

When two steam vessels are about to enter a narrow channel at the same time, the ascending steam vessel shall be stopped below such channel until the descending steam vessel shall have passed through it; but should two steam vessels unavoidably meet in such narrow channel, then it shall be the duty of the pilot of the ascending steam vessel to make the proper signals, and when answered the ascending steam vessel shall lie as close as possible to the side of the channel and either stop the engines or move them so as to give the boat only steerageway; and the pilot of the descending steam vessel shall cause his steam vessel to be worked slowly until he has passed the ascending steam vessel.

### § 95.13 Approaching bridge span or draw.

(a) When two steam vessels are approaching a bridge span or draw from opposite directions and the passing signals have been given and understood, should the pilot of the descending steam vessel deem it dangerous for the steam vessels to pass each other between the piers of such span or draw, he shall sound the alarm or danger signal, and it shall then be the duty of the pilot of the ascending steam vessel to answer with a similar alarm signal, and to slow or stop his engines below such span or draw until the descending steam vessel shall have passed.

(b) If the ascending steam vessel is already in the bridge span or draw, and the descending steam vessel sounds the danger or alarm signal, it shall be the duty of the ascending steam vessel, if practicable, to drop below the bridge span or draw, and wait until the other steam vessel shall have passed.

[CGFR 48-49, 13 FR 6478, Nov. 3, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948, and amended at 13 FR 7348, Dec. 2, 1948]

### § 95.15 Ascending, descending steam vessels crossing river.

The pilot of an ascending steam vessel shall in no case attempt to cross the river when an ascending or descending steam vessel shall be so near that it would be possible for a collision to ensue therefrom; and conversely, the pilot of a descending steam vessel shall in no case attempt to cross the river when an ascending or descending steam vessel shall be so near that it would be possible for a collision to ensue therefrom.

### § 95.17 Overtaking situation.

When two steam vessels are in the overtaking situation, it is the duty of the steam vessel being overtaken to answer immediately a passing signal of the overtaking steam vessel, either by assenting with the same number of blasts or by dissenting with the danger signal.

### § 95.19 Passing signals.

The passing signals, by the blowing of the whistle, shall be given and answered by pilots, in all weathers, when approaching each other; and, wherever possible, the signals shall be given and answered before the steam vessels, or if towboats pushing tows, the head of such tows, have arrived at a distance of half a mile of each other.

### § 95.21 Visual signals.

All whistle signals shall be further indicated by a visual signal consisting of an amber colored light so located as to be visible all around the horizon for a distance of not less than one mile. This light shall be so devised that it will operate simultaneously and in conjunction with the whistle sounding mechanism, and remain ignited or visible during the same period as the sound signal: *Provided*, That the installation, use, or employment of the amber visual signal required by this section shall be optional in the case of (a) vessels operating upon the Gulf Intracoastal Waterway; (b) vessels operating on the Mississippi River below mile 237 AHP (Belmont Landing) as set forth in map No. 40, "Maps of the Mississippi River, Cairo, Illinois, to the Gulf of Mexico, Louisiana (1944 ed.)," published by the Mississippi River Commission; (c) newly constructed vessels while en route from point of construction to a point in waters where the aforementioned amber visual signal is not required; (d) motorboats of class A and class 1; and (e) motorboats of class 2 and class 3 not engaged in trade or commerce.

### § 95.23 Pamphlet containing Pilot Rules.

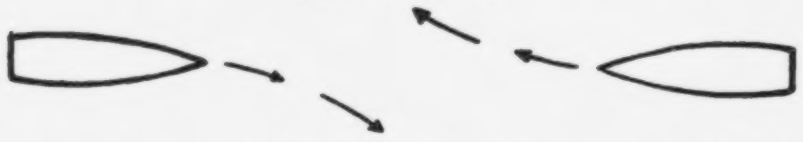
All vessels and craft over 65 feet in length upon the waters described in § 95.01 shall, where practicable, carry on board and maintain for ready reference copies of the current edition of Coast Guard pamphlet CG-184. Nothing in this section shall require copies of this pamphlet to be carried on board any motorboat as defined by section 1 of the Act of April 25, 1940, as amended (54 Stat. 163; 46 U.S.C. 526).

[CGFR 58-45, 23 FR 9838, Dec. 20, 1958]

### § 95.25 Diagrams.

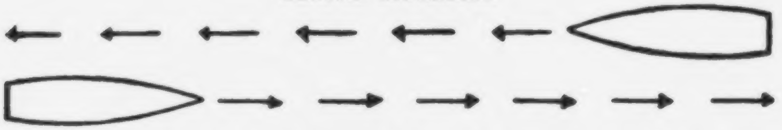
The following diagrams are intended to illustrate the working of the system of colored lights and the pilot rules:

FIRST SITUATION



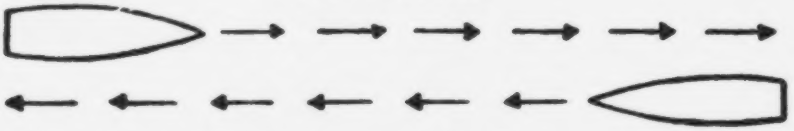
Here the two colored lights visible to each will indicate their meeting end on, or nearly end on, so as to involve risk of collision. In this situation it is a standing rule that both shall direct their courses to starboard and pass on the port side of each other, each having previously given one blast of the whistle, except that when an ascending steam vessel is approaching a descending steam vessel the descending steam vessel has the right-of-way and the vessels shall pass each other on the side determined by the descending steam vessel. The necessary signals for passing shall be given as provided in Rule 18.

SECOND SITUATION



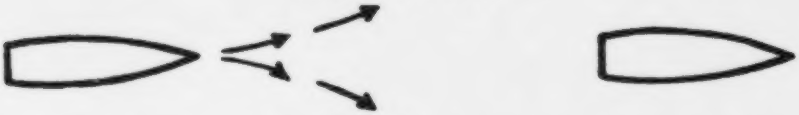
In this situation the red light only will be visible to each. Both vessels are evidently passing to port of each other, however, the vessels shall pass each other on the side determined by the descending steam vessel.

THIRD SITUATION



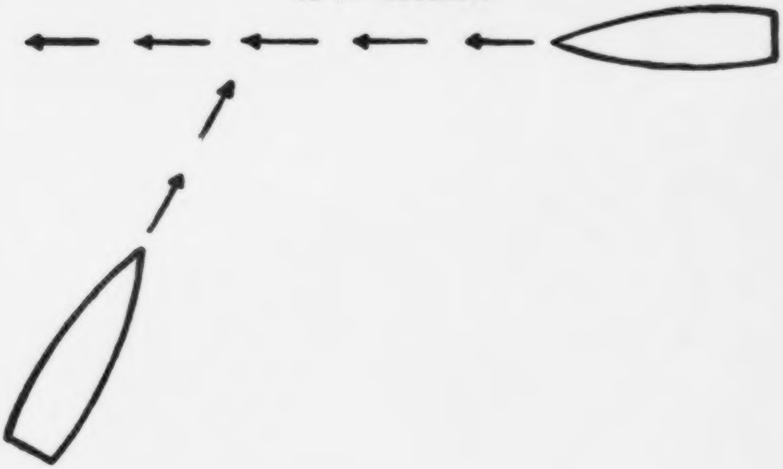
In this situation the green light only will be visible to each. They are therefore passing to starboard of each other, however, the vessels shall pass each other on the side determined by the descending steam vessel.

FOURTH SITUATION



In this situation one steam vessel is overtaking another steam vessel from some point within the angle of two points abaft the beam of the overtaken steam vessel. The overtaking steam vessel may pass on the starboard or port side of the steam vessel ahead after the necessary signals for passing have been given, with assent of the overtaken steam vessel, as prescribed in Rule 22.

FIFTH SITUATION



In this situation two steam vessels are crossing so as to involve risk of collision, other than where one steam vessel is overtaking another. The steam vessel which has the other to starboard shall keep out of the way of the other. Either vessel shall give one distinct blast of her whistle, as a signal of her intention, which the other vessel shall answer with a similar blast. However, a steam vessel with tow descending a river shall be deemed to have the right-of-way over any steam vessel crossing the river.

### § 95.26 Warning signals for Coast Guard vessels while handling or servicing aids to navigation.

(a) Coast Guard vessels while engaged in handling or servicing an aid to navigation during the daytime may display from the yard two orange and white vertically striped balls in a vertical line not less than three feet nor more than six feet apart, and during the nighttime may display, in a position where they may best be seen, two red lights in a vertical line not less than three feet nor more than six feet apart.

(b) Vessels, with or without tows, passing Coast Guard vessels displaying this signal, shall reduce their speed sufficiently to insure the safety of both vessels, and when passing within 200 feet of the Coast Guard vessel displaying this signal, their speed shall not exceed 5 miles per hour.

[CGFR 51-26, 16 FR 5767, June 16, 1951]

## LIGHTS FOR FERRYBOATS AND BARGES

### § 95.27 Lights for ferryboats.

(a) The signal lights on ferryboats shall be the same as those of similar steamboats, except that double-end ferryboats shall carry a central range of clear, bright, white lights, showing all around the horizon, placed at equal altitudes forward and aft, also on the starboard side a green light, and on the port side a red light, of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 3 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(b) The green and red lights shall be fitted with inboard screens projecting at least 3 feet forward from the lights, so as to prevent them from being seen more than half a point across the bow.

(c) Officers in Charge, Marine Inspection, in districts having ferryboats shall, whenever the safety of navigation may require, designate for each line of such boats a certain light, white or colored, which shall show all around the horizon, to designate and distinguish such lines from each other, which light shall be carried on a flagstaff amidships 15 feet above the white range lights.

(R.S. 4233, as amended, 33 U.S.C. 316)

[CGFR 48-49, 13 FR 6480, Nov. 3, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 61-55, 26 FR 12573, Dec. 28, 1961]

### § 95.29 Lights for barges towed ahead or alongside.

(a) When one or more barges are being towed by pushing ahead of a steam vessel, or by a combination of pushing ahead and towing alongside of a steam vessel, such tow must be lighted by a flashing yellow light at the extreme forward end of the tow, so placed as to be as nearly as practicable on the centerline of the tow, a green light on the starboard side of the tow, so placed to mark the maximum projection of the tow to starboard, and a red light on the port side of the tow, so placed as to mark the maximum projection of the tow to port.

(b) When one or more barges are being towed alongside a steam vessel, there shall be displayed a white light at each outboard corner of the tow. If the deck, deck house, or cargo of such barge obscures the sidelight of the towing steam vessel, such barge shall also carry a green light upon the starboard side when being towed on the starboard side of a steam vessel; or shall carry a red light on the port side of the barge when being towed on the port side of the steam vessel. If there is more than one such barge being towed abreast, the appropriate colored sidelight shall be displayed from the outer side of the outside barge.

(c) The colored side lights shall be so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to show the light from right ahead to 2 points abaft the beam on their respective sides and of such a character as to be visible at a distance of at least 2 miles, and shall be fitted with inboard screens so as to prevent either light from being seen more than half a point across the centerline of the tow.

(d) The flashing yellow light must—

(1) Be visible on a dark night with a clear atmosphere at a distance of at least 2 miles;

(2) Flash 50 to 70 times per minute; and

(3) Be constructed to show a uniform light over an arc of the horizon from right ahead to at least 90 degrees, but no more than 112.5 degrees on each side of the tow.

(e) The white lights shall be so constructed and so fixed as to show a clear, uniform, and unbroken light all around the horizon, and of such a character as to be visible at a distance of at least 2 miles.

(f) All the lights shall be carried at approximately the same height above the surface of the water and shall be so placed with respect thereto as to be clear of and above all obstructions which might tend to interfere with the prescribed arc or distance of visibility.

(R.S. 4233, as amended; 33 U.S.C. 316; 33 U.S.C. 353; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 58-19, 23 FR 6109, Aug. 9, 1958, as amended by CGFR 61-55, 26 FR 12573, Dec. 28, 1961; CGD 76-109, 44 FR 34130, June 14, 1979]

### § 95.31 Lights for barges towed astern.

(a) When one barge is being towed singly behind a steam vessel, such vessel shall carry four white lights, one on each corner or outermost projection of the bow and one on each corner or outermost projection of the stern.

(b) When two or more barges are being towed behind a steam vessel in tandem, with a hawser length, between vessels, of 75 feet or more, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the

bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry two white lights, one at each end amidships.

(3) The last vessel in the tow shall carry three white lights, one on each corner or outermost projection of the stern and a white light at the bow amidships.

(c) When two or more barges are being towed behind a steam vessel in tandem, with a hawser length, between vessels, of less than 75 feet, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry a white light at the stern amidships.

(3) The last vessel in the tow shall carry two white lights, one on each corner or outermost projection of the stern.

(d) When two or more barges are being towed behind a steam vessel two or more abreast, in one or more tiers, each of the outside barges in each tier shall carry a white light on the outboard corner of the bow and each of the outside barges in the last tier shall carry, in addition, a white light on the outboard corner of the stern.

(e) The white lights shall be so constructed and so fixed as to show a clear, uniform, and unbroken light all around the horizon and of such a character as to be visible at a distance of at least 2 miles. The lights shall be carried at approximately the same height above the surface of the water and shall be so placed with respect thereto as to be clear of and above all obstructions which might tend to interfere with the prescribed arc or distance of visibility.

(R.S. 4233, as amended; 33 U.S.C. 316)

[CGFR 58-19, 23 FR 6109, Aug. 9, 1958, as amended by CGFR 61-55, 26 FR 12573, Dec. 28, 1961; CGFR 64-21, 29 FR 5732, Apr. 30, 1964]

### § 95.33 Lights for barges temporarily operating within or without Western Rivers.

Nothing in §§ 95.29 and 95.31 shall be construed as compelling barges being towed, when passing through any waters coming within the scope of any regulation where lights for barges are different from those of the waters whereon such barges are usually employed, to change their lights from those required on the waters from which their trip begins or terminates; but should such barges engage in local employment on waters requiring different lights from those where they are customarily employed, they shall comply with the local rules where employed: *Provided*, That such barges (including canal boats) being towed on the Great Lakes and their connecting waters and the St. Mary's River shall comply with the rules prescribing lights for craft being towed on such waters.

(R.S. 4233, as amended; 33 U.S.C. 316)

[CGFR 49-10, 14 FR 1847, Apr. 16, 1949, as amended by CGFR 61-55, 26 FR 12573, Dec. 28, 1961]

### § 95.36 Lights for barges at bank or dock.

(a) Lights for barges at bank or dock in the Mississippi River and its tributaries and in the Atchafalaya River above its junction with the Plaquemine-Morgan City Alternate Waterway shall be as required by this section.

(b) The following barges, when moored in or near a fairway, except those barges exempted under the provisions of paragraph (e) of this section, shall display between the hours of sunset and sunrise the barge lights described in paragraph (c) of this section:

(1) Every barge projecting into a buoyed or restricted channel.

(2) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(3) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(4) Every barge moored to the bank in any manner other than parallel thereto.

(c) Barges required to be lighted under paragraph (b) of this section shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(1) On a single moored barge, a light on each outboard or channelward corner.

(2) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(d) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(e) Barges moored in well-illuminated areas of the Illinois River north of Brandon Lock and Dam at Joliet, Ill., shall not be required to display the lights prescribed in paragraph (c) of this section. These areas are as follows:

### CHICAGO SANITARY SHIP CANAL

(1) Mile 293.2 to 293.9—Material Service Corp.

(3) Mile 295.2 to 296.1—Material Service Corp. and Commonwealth Edison Co.

(5) Mile 297.5 to 297.8—Pure Oil Docks.

(7) Mile 298 to 298.2—Ceco Steel Docks.

(9) Mile 298.6 to 298.8—Lemont Manufacturing Co.

(11) Mile 299.3 to 299.4—Mechmar Development Co.

(13) Mile 299.8 to 300.5 (Stephen Street Bridge)—Tri-Central Oil Co.

(15) Mile 303 to 303.2—North American Car Corp.

(17) Mile 303.7 to 303.9—Hannah Inland Waterways Transportation Co.

(19) Mile 305.7 to 305.8—Publicker Chemical Co.

(21) Mile 310.7 to 310.9—Shell Oil Co.

(23) Mile 311 to 311.2—General American Tank Storage Terminal.

(25) Mile 312.5 to 312.6—Trumbull Asphalt Co.

(27) Mile 313.8 to 314.2—Lake River Oil Terminal.

(29) Mile 314.6—Waterways Terminals, Inc.

(31) Mile 314.8 to 315.3—Commonwealth Edison Co. and Material Service Corp.

(33) Mile 315.7 to 316—Sanitary District Rock.

(35) Mile 316.8—Whitewater Petroleum Terminal Co.

(37) Mile 316.85 to 317.05—Hughes Oil Co.

(39) Mile 217.5—Socony Vacuum Oil Co.

(41) Mile 318.4 to 318.9—Commonwealth Edison Co.

(43) Mile 318.7 to 318.8—Bell Oil Co.

(45) Mile 320 to 320.3—Globe Fuel & Humble Oil.

(47) Mile 320.6—American Sugar Refining Co., South Branch of Chicago River and Chicago River.

(49) Mile 322.3 to 322.4—Commonwealth Edison Co.

(51) 322.8—Time, Inc.

(53) Mile 322.9 to 327.2.

### CALUMET SAG CHANNEL

(61) Mile 316.5—Marine Oil Co. unloading piers.

### LITTLE CALUMET RIVER

(71) Mile 321.2—Pump house outfall

(73) Mile 322.3—South bank.

### CALUMET RIVER

(81) Mile 328.5 to 328.7—Cargill Grain Elevator.

(83) Mile 329.2 to 329.4—Continental Grain Elevator.

(85) Mile 330, west bank to 330.2.

(87) Mile 331.4 to 331.6—Rail to Water Transfer Corp.

(89) Mile 332.2 to 332.4—Dundee Cement Co.

(91) Mile 332.6 to 332.8—Material Service Corp.

[CGFR 66-47, 31 FR 11723, Sept. 7, 1966]

## LIGHTS FOR RAFTS AND OTHER CRAFT NOT PROVIDED FOR

### § 95.37 Lights for rafts and other craft.

(a) All watercraft, except as herein otherwise provided, navigating any bay, harbor, or river, propelled by hand power, horsepower, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one white light forward, not less than 8 feet above the surface of the water.

(b) Rafts propelled by hand power or by the current of the river, or when being towed, or which shall be anchored or moored in or near a channel or fairway, shall carry white lights, as follows:

(1) Rafts of one crib and not more than two in length shall carry one white light.

(2) Rafts of three or more cribs in length and one crib in width shall carry one white light at each end of the raft.

(3) Rafts of more than one crib abreast shall carry one white light on each outside corner of the raft, making four lights in all.

(c) The white light required by this section for rafts and other watercraft shall be carried from sunset to sunrise, in a lantern so fixed and constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and of such intensity as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile. The lights for rafts shall be suspended from poles of such height that the light shall not be less than 8 feet above the surface of the water.

(d) Rowing boats under oars shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

(R.S. 4233, as amended; 33 U.S.C. 316)

[CGFR 48-49, 13 FR 6480, Nov. 3, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 48-74, 13 FR 9335, Dec. 31, 1948; CGFR 61-55, 26 FR 12573, Dec. 28, 1961]

## TOWING OF BARGES

### § 95.38 Hawser lengths for all tows.

The length of hawsers, between vessels, shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit.

[CGFR 64-21, 29 FR 5732, Apr. 30, 1964]

## DISTRESS SIGNALS

### § 95.39 Distress signals.

(a) *In the daytime.* (1) A gun fired at intervals of about a minute.

(2) The International Code signal of distress indicated by N. C.

(3) The distress signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

(4) Rockets or shells as prescribed below for use at night.

(5) A continuous sounding with a steam whistle or any fog-signal apparatus.

(6) Slowly and repeatedly raising and lowering arms outstretched to each side.

(b) *At night.* (1) A gun fired at intervals of about a minute.

(2) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

(3) Rockets or shells, bursting in the air with a loud report and throwing stars of any color or description, fired one at a time at short intervals.

(4) A continuous sounding with a steam whistle or any fog-signal apparatus.

(R.S. 4405, as amended; 46 U.S.C. 375)

[CGFR 48-49, 13 FR 6480, Nov. 3, 1948. Redesignated at 13 FR 7303, Nov. 30, 1948 and amended by CGFR 60-34, 25 FR 4451, May 20, 1960; CGFR 66-32, 31 FR 10323, July 30, 1966]

## UNAUTHORIZED USE OF LIGHTS; UNNECESSARY WHISTLING

AUTHORITY: Sections 95.41 to 95.45 also issued under R.S. 4405, as amended; 46 U.S.C. 375.

SOURCE: Sections 95.41 to 95.45, CGFR 48-49, 13 FR 6481, Nov. 3, 1948, unless otherwise noted. Redesignated at 13 FR 7303, Nov. 30, 1948.

### § 95.41 Rule relating to the use of searchlights or other blinding lights.

Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of section 4450, R.S., as amended, looking to the revocation or suspension of his license or certificate.

### § 95.43 Rule prohibiting unnecessary sounding of the whistle.

Unnecessary sounding of the whistle is prohibited within any harbor limits of the United States. Whenever any licensed officer in charge of any vessel shall authorize or permit such unnecessary whistling, such officer may be proceeded against in accordance with the provisions of section 4450, R.S., as amended, looking to a revocation or suspension of his license.

### § 95.45 Rule prohibiting the carrying of unauthorized lights on vessels.

Any master or pilot of any vessel who shall authorize or permit the carrying of any light, electric or otherwise, not required by law, that in any way will interfere with distinguishing the signal lights, may be proceeded against in accordance with the provisions of section 4450, R.S., as amended, looking to a suspension or revocation of his license.

## LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES OF ALL TYPES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

### § 95.51 Scope and applicability.

(a) The regulations contained in §§ 95.51 to 95.66, inclusive, govern lights and day signals to be displayed by towing vessels with tows on which no signals can be displayed, vessels working on wrecks, dredges, and vessels engaged in laying cables or pipe or in submarine or bank protection operations, lights to be displayed on dredge pipeline, and day signals to be displayed by vessels of more than 65 feet in length moored or anchored in a fairway or channel (§§ 95.52 to 95.59, inclusive), and the passing by other vessels of floating plant working in navigable channels (§§ 95.60 to 95.66, inclusive).

(b) The regulations contained in §§ 95.51 to 95.66, inclusive, are applicable on the western rivers.

[CGFR 58-45, 23 FR 9838, Dec. 20, 1958]

## LIGHTS AND DAY SIGNALS

SOURCE: Sections 95.52 to 95.59, CGFR 58-45, 23 FR 9838, Dec. 20, 1958, unless otherwise noted.

### § 95.52 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(a) The vessel having the submerged object in tow shall display by day, where they can best be seen, two shapes, one above the other, not less than six feet apart, the lower shape to be carried not less than 10 feet above the deck house. The shapes shall be in the form of a double frustum of a cone, base to base, not less than two feet in diameter at the center nor less than eight inches at the ends of the cones, and to be not less than four feet lengthwise from end to end, the upper shape to be painted in alternate horizontal stripes of black and white eight inches in width, and the lower shape to be painted a solid bright red.

(b) By night the towing vessel shall display the regular sidelights, but in lieu of the regular white towing lights shall display four lights in a vertical position not less than 3 feet, nor more than 6 feet apart, the upper and lower of such lights to be white and of the same character as the regular towing lights, and the middle of such lights to be red and of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles.

[CGFR 58-45, 23 FR 9838, Dec. 20, 1958, as amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967]

### § 95.53 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

(a) Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting, shall display by day two shapes of the same character and dimensions and displayed in the same manner as required by § 95.52(a), except that both shapes shall be painted a solid bright red, but where more than one vessel is working under the above conditions, the shapes need be displayed only from one vessel on each side of the wreck from which they can best be seen from all directions.

(b) By night this situation shall be indicated by the display of a white light from the bow and stern of each outside vessel or lighter not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck.

### § 95.54 Dredges held in stationary position by moorings or spuds.

(a) Dredges which are held in stationary positions by moorings or spuds shall display by day two red balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, and at least 15 feet above the deck house and in a position where they can best be seen from all directions.

(b) By night they shall display a white light at each corner, not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck. When scows are moored alongside a dredge in the foregoing situation they shall display a white light on each outboard corner, not less than six feet above the deck.

### § 95.55 Self-propelling suction dredges under way and engaged in dredging operations.

(a) Self-propelling suction dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than 15 feet above the deck house, and where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site, but shall not include proceeding to and from the site.

(b) By night self-propelled dredges underway and engaged in dredging operations shall carry, in addition to the regular running lights, two red lights in a vertical line beneath the white masthead light. These red lights shall be not less than 3 feet nor more than 6 feet apart and the upper red light to be not less than 3 feet nor more than 6 feet below the masthead light. They shall also carry on or near the stern two red lights in a vertical line not less than 3 feet nor more than 6 feet apart, to show through 12 points of the compass; that is, from right astern to 6 points on each quarter. The forward red lights and after red lights shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles.

[CGFR 58-45, 23 FR 9838, Dec. 20, 1958, as amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967]

### § 95.56 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

(a) Vessels which are moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations, shall display by day, not less than 15 feet above the deck, where they can best be seen from all directions, two balls not less than two feet in diameter, in a vertical line not less than three feet nor more than six feet apart, the upper ball to be painted in alternate black and white vertical stripes six inches wide, and the lower ball to be painted a solid bright red.

(b) By night they shall display three red lights, carried in a vertical line not less than three feet nor more than six feet apart, in a position where they can best be seen from all directions, with the lowermost light not less than 15 feet above the deck.

(c) Where a stringout of moored vessels or barges is engaged in the operations, three red lights carried as prescribed in paragraph (b) of this section shall be displayed at the channelward end of the stringout. Where the stringout crosses the navigable channel and is to be opened for the passage of vessels, the three red lights shall be displayed at each side of the opening instead of at the outer end of the stringout. There shall also be displayed upon such stringout one horizontal row of amber lights not less than six feet above the deck, or above the deck house where the craft carries a deck house, in a position where they can best be seen from all directions, spaced not more than 50 feet apart so as to mark distinctly the entire length and course of the stringout.

### § 95.57 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of yellow lights. The lights must be—

(i) Flashing from 50 to 70 times per minute;

(ii) Visible all around the horizon;

(iii) Not less than eight and not more than 12 feet above the water;

(iv) Approximately equally spaced; and

(v) Not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's length and course.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—

(i) Visible all around the horizon; and

(ii) Three feet apart in a vertical line with the lower light at the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening the lights required in paragraph (a)(2) of this section.

(Sec. 4, 62 Stat. 250, as amended (33 U.S.C. 353); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGD 73-216, 44 FR 11054, Feb. 26, 1979]

### § 95.57a Lights to be displayed on pipelines disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredges must—

(1) Display the lights on the pipeline as required in § 95.57 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—

(i) Visible all around the horizon; and

(ii) Three feet apart in a vertical line with the lower light at the same height above the water as the flashing yellow lights.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

((14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGD 73-216, 44 FR 11054, Feb. 26, 1979]

### § 95.58 Lights generally.

(a) All the lights required by §§ 95.52 to 95.57a, inclusive, except as provided in § 95.52(b), shall be of such character as to be visible on a dark night with a clear atmosphere of at least two miles. The white lights provided for in § 95.52(b) shall be visible for at least three miles.

(b) The lights required by § 95.52(b) shall be of the same construction as the regular towing lights. The lights required by § 95.55(b) shall be of the same construction as the masthead light.

(c) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

((14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[CGFR 58-45, 23 FR 9838, Dec. 20, 1958, as amended by CGFR 67-92, 32 FR 20773, Dec. 23, 1967; CGD 73-216, 44 FR 11054, Feb. 26, 1979]

### § 95.59 Vessels moored or at anchor.

Vessels of more than 65 feet in length when moored or anchored in a fairway or channel shall display between sunrise and sunset on the forward part of the vessel where it can best be seen from other vessels one black ball not less than two feet in diameter.

## PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

SOURCE: Sections 95.60 to 95.66, CGFR 58-45, 23 FR 9839, Dec. 20, 1958, unless otherwise noted.

### § 95.60 Passing signals.

(a) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the local pilot rules for vessels under way and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(b) When the pipe line from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipe line or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipe line shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (a) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(c) When any pipe line or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

NOTE: The term "floating plant" as used in §§ 95.60 to 95.66, includes dredges, derrick boats, snag boats, drill boats, pile drivers, maneuver boats, hydraulic graders, survey boats, working barges, and mat sinking plant.

### § 95.61 Speed of vessels passing floating plant working in channels.

Vessels, with or without tows, passing floating plant working in channels, shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant their speed shall not exceed five miles per hour. While passing over lines of the plant, propelling machinery shall be stopped.

### § 95.62 Light-draft vessels passing floating plant.

Vessels whose draft permits shall keep outside the buoys marking the ends of mooring lines of floating plant working in channels.

### § 95.63 Aids to navigation marking floating plant moorings.

Breast, stern, and bow anchors of floating plant working in navigable channels shall be marked by barrel or other suitable buoys. By night approaching vessels shall be shown the location of adjacent buoys by throwing a suitable beam of light from the plant on the buoys until the approaching vessel has passed, or the buoys may be lighted by red lights, visible in all directions, of the same character as specified in § 95.58(a).

### § 95.64 Obstruction of channel by floating plant.

Channels shall not be obstructed unnecessarily by any dredging or other floating plant. While vessels are passing such plant all lines running therefrom across the channel on the passing side which may interfere with or obstruct navigation shall be slacked to the bottom of the channel.

### § 95.65 Clearing of channels.

When special or temporary regulations have not been prescribed and action under the regulations contained in §§ 95.60 to 95.64, will not afford clear passage, floating plant in narrow channels shall, upon notice, move out of the way of vessels a sufficient distance to allow them a clear passage. Vessels desiring passage shall, however, give the master of the floating plant ample notice in advance of the time they expect to pass.

NOTE: If it is necessary to prohibit or limit the anchorage or movement of vessels within certain areas in order to facilitate the work of improvement, application should be made through official channels for establishment by the Secretary of the Army of special or temporary regulations for this purpose.

### § 95.66 Protection of marks placed for the guidance of floating plant.

Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant.

## WARNING SIGNALS

### § 95.70 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30-1(a), 98.05-50(h), 98.10-45(g), 98.15-45(h), 98.25-90(f), and 146.29-25(o) require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

[CGFR 60-61, 25 FR 9046, Sept. 21, 1960]

## MISCELLANEOUS

### § 95.75 Exceptions to the statutory and regulatory requirements for lights, day signals, or other navigational means and appliances when operating under bridges.

(a) Any vessel while passing under a bridge may temporarily lower any lights, day signals, or other navigational means and appliances when required to do so because of the restricted vertical clearance under the bridge. Immediately when clear of the bridge, all lights, day signals, or other navigational means and appliances shall be exhibited as required by law or regulation.

[CGFR 64-14, 30 FR 6434, May 8, 1965]

### § 95.80 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the forward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

[CGFR 66-32, 31 FR 10323, July 30, 1966]

# PART 96—INTERPRETIVE RULINGS

**Subpart 96.01—General Provisions**

Sec.
96.01-1 Scope.
96.01-10 Penalties and violations.

**Subpart 96.05—Navigation Lights**

96.05-1 White lights for motorboats carried on centerline.
96.05-5 Stern lights for all vessels.
96.05-10 Lights on seagoing steam vessels underway.

**Subpart 96.10—Steering and Sailing**

96.10-1 Vessel moved from dock or anchorage.

AUTHORITY: 80 Stat. 383, as amended, sec. 1, 63 Stat. 545, sec. 6(b)(1), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

SOURCE: CGFR 59-5, 24 FR 3507, May 1, 1959, unless otherwise noted.

## Subpart 96.01—General Provisions

### § 96.01-1 Scope.

The regulations in this part are interpretive rules with respect to "Rules of the Road" requirements applicable to all vessels while in the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

### § 96.01-10 Penalties and violations.

(a) Failure to comply with any law as interpreted will be considered as a violation of such law and the penalty may be assessed as provided by law.

(b) The reports of violations of the "Rules of the Road," as well as the assessment, collection, mitigation or remission of civil penalties authorized by law, shall be in accordance with 33 CFR Subpart 1.07.

[CGFR 59-5, 24 FR 3507, May 1, 1959, as amended by CGD 74-46, 39 FR 19473, June 3, 1974]

## Subpart 96.05—Navigation Lights

### § 96.05-1 White lights for motorboats carried on centerline.

Every white light required by section 3 of the Act of April 25, 1940, as amended (46 U.S.C. 526b), shall be carried on the centerline of the motorboat, except that the all-around white light aft on a motorboat of Class A or 1 may be carried off the centerline.

### § 96.05-5 Stern lights for all vessels.

Rule Numbered 10 of section 4233 of the Revised Statutes of the United States, as amended by the Act of August 14, 1958 (33 U.S.C. 319), requires "a vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, * * *" and this requirement shall be applied to all vessels, including but not limited to, tugs, barges, sail vessels, motorboats when propelled by sail alone, etc.

### § 96.05-10 Lights on seagoing steam vessels underway.

Rule 5 of the Rules of the Road for Western Rivers (Rule Numbered 5 of Section 4233 of the Revised Statutes, as amended by the Act of May 21, 1948, 62 Stat. 250) requires a seagoing steam vessel underway to carry lights as required by Article 2 of the International Rules, as amended. The most recent revision to Article 2 is contained in Rule 23 of the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS). Accordingly, Rule 5 as interpreted requires that a seagoing steam vessel underway carry lights as required by Rule 23 of the 72 COLREGS.

[CGD 77-125, 42 FR 35793, July 11, 1977]

## Subpart 96.10—Steering and Sailing

### § 96.10-1 Vessel moved from dock or anchorage.

(a) Rule Numbered 24(c) of section 4233 of the Revised Statutes as amended (33 U.S.C. 349), requires "when a vessel is moved from her dock, or anchorage," to give a prescribed signal of three distinct blasts on her whistle. The phrase "moved from her dock, or anchorage," includes moving from a riverbank mooring or from a mooring of any type.

[CGFR 60-79, 25 FR 13633, Dec. 3, 1960]

# SUBCHAPTER G—REGATTAS AND MARINE PARADES

## PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Sec.
100.01 Purpose and intent.
100.05 Definition of terms used in this part.
100.10 Coast Guard-State agreements.
100.15 Submission of application.
100.20 Action on application for event assigned to State regulation by Coast Guard-State agreement.
100.25 Action on application for event not assigned to State regulation by Coast Guard-State agreement.
100.30 Approval required for holding event.
100.35 Special local regulations.
100.40 Patrol of the regatta or marine parade.
100.45 Establishment of aids to navigation.
109.50 Penalties for violation of regulations.

AUTHORITY: Sec. 1, 35 Stat. 69, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

SOURCE: CGFR 63-22, 28 FR 5155, May 23, 1963, unless otherwise noted.

### § 100.01 Purpose and intent.

(a) The purpose of the regulations in this part is to provide effective control over regattas and marine parades conducted on the navigable waters of the United States so as to insure safety of life in the regatta or marine parade area.

### § 100.05 Definition of terms used in this part.

(a) "Regatta" or "marine parade" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) [Reserved]

(c) "District Commander" means the Commander of the Coast Guard District in which the regatta or marine parade is intended to be held. (See Part 3 of this chapter for the geographical boundaries of Coast Guard Districts.)

(d) "State authority" means any official or agency of a State having power under the law of such State to regulate regattas or marine parades on waters over which such State has jurisdiction.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGD 75-098, 40 FR 49327, Oct. 22, 1975]

### § 100.10 Coast Guard-State agreements.

(a) The District Commander is authorized to enter into agreements with State authorities permitting, regulation by the State of such classes of regatta or marine parade on the navigable waters of the United States as, in the opinion of the District Commander, the State is able to regulate in such a manner as to insure safety of life. All such agreements shall reserve to the District Commander the right to regulate any particular regatta or marine parade when he deems such action to be in the public interest.

### § 100.15 Submission of application.

(a) An individual or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States, shall submit an application to the Coast Guard District Commander having cognizance of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to: An inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator craft.

(b) Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Commandant or the District Commander may, subject to conditions set from time to time by him, grant a permit for such series of events for a fixed period of time, not to exceed one year.

(c) The application shall be submitted no less than 30 days prior to the start of the proposed event.

(d) The application shall include the following details:

(1) Name and address of sponsoring organization.

(2) Name, address, and telephone of person or persons in charge of the event.

(3) Nature and purpose of the event.

(4) Information as to general public interest.

(5) Estimated number and types of watercraft participating in the event.

(6) Estimated number and types of spectator watercraft.

(7) Number of boats being furnished by sponsoring organizations to patrol event.

(8) A time schedule and description of events.

(9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

### § 100.20 Action on application for event assigned to State regulation by Coast Guard-State agreement.

(a) Upon receipt of an application for a regatta or marine parade of a type assigned to a State for regulation under a Coast Guard-State agreement, the District Commander will forward the application to the State authority having cognizance of the event. Further processing and decision upon such an application shall be conducted by the State.

### § 100.25 Action on application for event not assigned to State regulation by Coast Guard-State agreement.

(a) Where an event is one of a type not assigned to the State for regulation under a Coast Guard-State agreement (or where no such agreement has been entered), the Commander of a Coast Guard District who receives an application for a proposed regatta or marine parade to be held upon the navigable waters of the United States within his district shall take the following action:

(1) He shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his determination, he may, if he deems it necessary, hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) He will notify the individual or organization which submitted the application:

(i) That the application is approved, and the nature of the special local regulations, if any, which he will promulgate pursuant to § 100.35; or,

(ii) That the interest of safety of life on the navigable waters of the United States requires specific change or changes in the application before it can be approved; or,

(iii) That the event requires no regulation or patrol of the regatta or marine parade area; or,

(iv) That the application is not approved, with reasons for such disapproval.

### § 100.30 Approval required for holding event.

(a) An event for which application is required under § 100.15(a) shall be held only after approval of such event by the District Commander, except that applications referred to a State under § 100.10 shall be governed by the laws of that State.

### § 100.35 Special local regulations.

(a) The Commander of a Coast Guard District, after approving the plans for the holding of a regatta or marine parade within his district, is authorized to promulgate such special local regulations as he deems necessary to insure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. Such regulations may include a restriction upon, or control of, the movement of vessels through a specified area immediately prior to, during, and immediately after the regatta or marine parade.

(b) After approving the plans for the holding of a regatta or marine parade upon the navigable waters within his district, and promulgating special regulations thereto, the Commander of a Coast Guard District shall give the public full and adequate notice of the dates of the regatta or marine parade, together with full and complete information of the special local regulations, if there be such. Such notice should be published in the local notices to mariners.

(c) The special local regulations referred to in paragraph (a) of this section, when issued and published by the Commander of a Coast Guard District, shall have the status of regulations issued pursuant to the provisions of section 1 of the act of April 28, 1908, as amended (46 U.S.C. 454).

### § 100.40 Patrol of the regatta or marine parade.

(a) The Commander of a Coast Guard District in which a regatta or marine parade is to be held may detail, if he deems the needs of safety require, one or more Coast Guard vessels to patrol the course of the regatta or marine parade for the purpose of enforcing not only the special local regulations but also for assistance work and the enforcement of laws generally.

(b) The Commander of a Coast Guard District may also utilize any private vessel or vessels to enforce the special local regulations governing a regatta or marine parade provided such vessel or vessels have been placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, for such purpose by any member of the Coast Guard Auxiliary, or any corporation, partnership, or association, or by any State or political subdivision thereof. Any private vessel so utilized shall have on board an officer or petty officer of the Coast Guard who shall be in charge of the vessel during the detail and responsible for the law enforcement activities or assistance work performed by the vessel during such detail. Any private vessel so utilized will display the Coast Guard ensign while engaged in this duty.

(c) The Commander of a Coast Guard District may also utilize any private vessel or vessels placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, by any member of the Coast Guard Auxiliary, or any corporation, partnership, or association, or by any State or political subdivision thereof, to patrol the course of the regatta or marine parade for the purpose of promoting safety by performing assistance work, effecting rescues, and directing the movement of vessels in the vicinity of the regatta or marine parade. Vessels utilized under the authority of this paragraph are not authorized to enforce the special local regulations or laws generally.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGFR 65-32, 30 FR 8518, July 3, 1965]

### § 100.45 Establishment of aids to navigation.

(a) The Commander of a Coast Guard District will establish and maintain only those aids to navigation as he deems necessary to assist in the observance and enforcement of the special local regulations issued by him. Such aids to navigation will be in accordance with § 62.01-35 of this chapter. All other aids to navigation incidental to the holding of a regatta or marine parade shall be considered as private aids to navigation coming within the purview of § 66.01 of this chapter.

### § 100.50 Penalties for violation of regulations.

(a) An individual or organization who violates any provision of these regulations, or any regulation or order issued pursuant to these regulations shall be subject to the following penalties as provided in section 457 in Title 46, U.S. Code:

(1) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(2) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of $500.

(3) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of $500, unless the violation of regulations shall have occurred without his knowledge.

(4) Any other person shall be liable to a penalty of $250.

(b) The Commandant of the Coast Guard is authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws. (See 33 CFR Subpart 1.07, for procedures regarding assessment, mitigation or remission of penalties.)

[CGFR 63 22, 28 FR 5155, May 23, 1963, as amended by CGD 74-46, 39 FR 19473, June 3, 1974]

# SUBCHAPTER H—ROUTES FOR PASSENGER VESSELS

## PART 105—NORTH ATLANTIC PASSENGER ROUTES

Sec

105.01 Passenger vessel defined.
105.05 Filing notice of ship routes.
105.10 Designation of ship route.
105.15 Notices deemed public documents; posting of notice in customhouse.
105.20 Posting copy of notice on vessel.
105.25 Report of deviation from ship route.
105.30 Penalty for violation of regulation.
105.35 Communication of violation to Coast Guard District Commander.
105.40 Procedure on violation.

AUTHORITY: Sec. 92, 63 Stat. 503, sec. 3, 49 Stat. 1923; 14 U.S.C. 92, 46 U.S.C. 738b.

SOURCE: CGFR 48-56, 13 FR 8640, Dec. 29, 1948, unless otherwise noted.

### § 105.01 Passenger vessel defined.

For the purpose of this part, a vessel shall be deemed to be a passenger vessel if it carries more than twelve passengers.

### § 105.05 Filing notice of ship routes.

The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall file with the collector of customs of the home port of such vessel, and if the United States port from which such vessel sails is different from the home port, with the collector of customs at that port, notice of the ship routes which he proposes such vessel will follow on its east-bound and west-bound crossings. Such notice or notices shall be filed prior to the first sailing of the vessel from a port of the United States. Upon any subsequent North Atlantic voyage of such vessel beginning at the same port in the United States, no further notice shall be required if it is proposed that the vessel will follow the same routes, but whenever it is proposed that such vessel, when crossing the North Atlantic Ocean, will sail from a port in the United States other than that specified in the last previous notice, or will follow a route or routes different from the route or routes specified in such last notice, notice of the proposed route or routes shall be filed, as aforesaid, before the vessel sails.

### § 105.10 Designation of ship route.

The proposed route of any passenger vessel of the United States crossing the North Atlantic Ocean shall, whenever practicable, be designated in any notice required by this part in the terms used to designate the North Atlantic Lane Routes, as established by the proper authorities. Such route shall avoid, as far as practicable, the fishing banks of Newfoundland, north of latitude forty-three degrees north during the fishing season; and shall, as far as circumstances will permit, pass outside of regions reported or known to be endangered by ice.

### § 105.15 Notices deemed public documents; posting of notice in customhouse.

All notices of proposed ship routes filed with collectors of customs shall be considered public documents and copies thereof shall, while effective, be continuously posted by the respective collectors of customs in a place in the customhouse to which the public has free access.

### § 105.20 Posting copy of notice on vessel.

The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall cause a copy of the proposed ship routes of the vessel to be continuously posted, while effective, in a public place in the passenger space of the vessel.

### § 105.25 Report of deviation from ship route.

If the master of any passenger vessel of the United States crossing the North Atlantic Ocean finds it necessary for any reason during the course of a voyage to deviate more than 20 nautical miles from the proposed ship route of such vessel, he shall be required by the owner or operating agent of such vessel, as soon as he arrives in the United States, to report such deviation to the collector of customs of the home port of such vessel and, if the United States port from which such vessel sailed is different from the home port, to the collector of customs at that port, together with a written statement explaining the necessity for such deviation.

### § 105.30 Penalty for violation of regulation.

For each violation of section 3(a) of the act of June 25, 1936, or of any provision of §§ 105.05, 105.10, or 105.20, the owner, or operating agent, of the passenger vessel involved in such violation shall be liable to a fine of not exceeding $100.

### § 105.35 Communication of violation to Coast Guard District Commander.

Information with respect to a violation or possible violation of section 3(a) of the act of June 25, 1936, or of this part coming into the possession of any officer or employee of the Treasury Department shall be communicated promptly to the commander of the Coast Guard district within which the home port of the vessel is located or if the United States port from which the vessel sailed is different from the home port, to the commander of the Coast Guard district within which that port is located.

### § 105.40 Procedure on violation.

The district commander receiving information with respect to a violation of section 3(a) of the act of June 25, 1936, or of this part shall make an investigation to determine the actual facts involved. If after such investigation the district commander determines a prima facie violation of section 3(a) of the act of June 25, 1936, or of any provision of §§ 105.05, 105.10 or 105.20 has occurred, he shall follow the procedure in 33 CFR Subpart 1.07.

[CGFR 48-56, 13 FR 8640, Dec. 29, 1948, as amended by CGD 74-46, 39 FR 19473, June 3, 1974]

# SUBCHAPTER I—ANCHORAGES

## PART 109—GENERAL

Sec.
109.01 Purpose.
109.05 Anchorage grounds.
109.07 Anchorages under Ports and Waterways Safety Act of 1972.
109.10 Special anchorage areas.
109.15 Enforcement proceedings.
109.20 Publication; notice of proposed rule making.

AUTHORITY: R.S. 4233, as amended, 28 Stat. 647 as amended, 30 Stat. 98, as amended, sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322, 471, 49 U.S.C. 1655(g)(1); Department of Transportation Order 1100.1, March 31, 1967, 49 CFR 1.4(a)(3), unless otherwise noted.

SOURCE: CGFR 67-46, 32 FR 17727, Dec. 12, 1967, unless otherwise noted.

### § 109.01 Purpose.

(a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for anchorage areas.

(b) There were transferred to and vested in the Secretary of Transportation by subsection 6(g) of the Department of Transportation Act (sec. 6(g), 80 Stat. 941, 49 U.S.C. 1655) all functions, powers, and duties of the Secretary of the Army under specified laws. The Secretary of Transportation by Department of Transportation Order 1100.1 (49 CFR 1.4(a)(3)), with specified limitations, delegated to the Commandant, U.S. Coast Guard, authority to exercise the functions, powers, and duties of the Secretary with respect to anchorages, as further described in § 110.1 of this subchapter. The Commandant redelegated this authority to each Coast Guard District Commander with specified limitations, as set forth in § 1.05-1(g) of this Title.

(33 U.S.C. 471, 180, 258, 322, and 499; 49 CFR 1.46(c) and 1.45(b))

[CGFR 67-46, 32 FR 17727, Dec. 12, 1967, as amended by CGD 79-096, 44 FR 51585, Sept. 4, 1979]

### § 109.05 Anchorage grounds.

(a) Section 7 of the River and Harbor Act of March 4, 1915 (33 U.S.C. 471), authorizes the establishment of anchorage grounds for vessels in navigable waters of the United States whenever it is apparent that these are required by the maritime or commercial interests of the United States for safe navigation. The statute also authorizes the adoption of suitable rules and regulations regarding the establishment of anchorage grounds, which are enforced by the Coast Guard. The authority conferred by this statute was transferred to and vested in the Secretary of Transportation by section 6(g)(1)(A) of the Department of Transportation Act (80 Stat. 931) and delegated to the Commandant of the U.S. Coast Guard in § 1.46 of Title 49, Code of Federal Regulations, and redelegated, with specified limitations, by the Commandant to each Coast Guard District Commander in § 1.05-1(g) of this Title.

(b) District Commanders will, whenever matters relating to the anchorage of vessels are under consideration, ascertain the view of the District and Division Engineer, Corps of Engineers, U.S. Army, and the proper representatives of other departments likely to be interested, including the Commandant of the Naval District concerned and the medical officer in charge of the quarantine station at localities where quarantine anchorages are involved, in order that they may arrange for suitable representation at such hearings. The views of the medical officer in charge of the quarantine station relating to the proposed location and boundaries of the quarantine anchorage will be accepted insofar as practicable and consistent with the establishment of other anchorage areas. (An Act of Congress approved July 1, 1944, as amended (42 U.S.C. 267), authorizes the Surgeon General, with the approval of the Secretary of Health, Education, and Welfare, to designate the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station.) A notice of public hearing concerning changes to the Anchorage Regulations will be issued by the District Commander and will be mailed to all known interested parties. After providing an opportunity for public participation, the District Commander will, if circumstances so warrant, issue changes to the Anchorage Regulations, or in appropriate cases forward recommendations for such changes to the Commandant.

(c) As soon as publication has been noted in the FEDERAL REGISTER, the District Commander will publish changes to the Anchorage Regulations in the Local Notice to Mariners.

(33 U.S.C. 471, 180, 258, 322, and 499; 49 CFR 1.46(c) and 1.45(b))

[CGFR 67-46, 32 FR 17727, Dec. 12, 1967, as amended by CGD 79-096, 44 FR 51585, Sept. 4, 1979]

### § 109.07 Anchorages under Ports and Waterways Safety Act of 1972.

The provisions of section 101 (3) and (4) of the Ports and Waterways Safety Act of 1972 as delegated to the Commandant of the U.S. Coast Guard in 49 CFR 1.46(n)(4) authorize the Commandant to specify times of movement within ports and harbors, restrict vessel operations in hazardous areas and under hazardous conditions, and direct the anchoring of vessels. The sections listed in § 110.1a of this Subchapter are regulated under Title I of the Ports and Waterways Safety Act of 1972.

(Pub. L. 92-340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 41 CFR 1.46(n))

[CGD 74-194, 41 FR 36019, Aug. 26, 1976]

### § 109.10 Special anchorage areas.

An Act of Congress of April 22, 1940, provides for the designation of special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, will not be required to carry or exhibit anchorage lights. Such designation is to be made after investigation, by rule, regulation, or order, the procedure for which will be similar to that followed for anchorage grounds under section 7 of the River and Harbor Act of March 4, 1915, as referred to in § 109.05. The areas so designated should be well removed from the fairways and located where general navigation will not endanger or be endangered by unlighted vessels. The authority to designate special anchorage areas was transferred to and vested in the Secretary of Transportation by section 6(g)(1)(D) of the Department of Transportation Act (80 Stat. 931) and delegated to the Commandant of the U.S. Coast Guard in Title 49, Code of Federal Regulations and redelegated, with specified limitation by section 6(g)(1)(D) of the De-Coast Guard District Commander in § 1.05-1(g) of this Title.

(33 U.S.C. 471, 180, 258, 322, and 499; 49 CFR 1.46(c) and 1.45(b))

[CGD 79-096, 44 FR 51585, Sept. 4, 1979]

### § 109.15 Enforcement proceedings.

Proceedings against a vessel violating the Anchorage Regulations are to be brought in the name of the officer of the Coast guard assigned for the time being as Captain of the Port. When the vessel is at a port where there is no Coast Guard officer, proceedings will be initiated in the name of the District Commander.

### § 109.20 Publication; notice of proposed rule making.

(a) Section 4 of the Administrative Procedure Act (5 U.S.C. 553), requires publication of general notice of proposed rule making in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Except where notice or hearing is required by statute, this requirement does not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) General notice of proposed rule making published in accordance with the above will include (1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

## PART 110—ANCHORAGE REGULATIONS

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110.80 Milwaukee Harbor, Milwaukee, Wis.
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110.84 Black Rock Channel opposite foot of Porter Avenue, Buffalo, N.Y.
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110.85 Niagara River, Youngstown, N.Y.
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110.110 Santa Monica Harbor, Calif.
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110.115 Santa Barbara Harbor, Calif.
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110.125 Morro Bay Harbor, Calif.
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110.130 Rockland Harbor, Maine.
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110.132 Portland Harbor, Maine.
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110.142 Nantucket Harbor, Mass.
110.145 Narragansett Bay, R.I.
110.147 New London Harbor, Conn.
110.148 Johnsons River at Bridgeport, Conn.
110.150 Block Island Sound, N.Y.
110.155 Port of New York.
110.156 Randall Bay, Freeport, Long Island, N.Y.
110.157 Delaware Bay and River.
110.158 Baltimore Harbor, Md.
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110.166 York River, Va., naval anchorage.
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110.189a Key West Harbor, Key West, Fla., naval explosives anchorage area.
110.190 Tortugas Harbor, in vicinity of Garden Key, Dry Tortugas, Fla.
110.193 Tampa Bay, Fla.
110.193a St. Joseph Bay, Fla.
110.194 Mobile Bay, Ala., at entrance.
110.194a Mobile Bay, Ala., and Mississippi Sound, Miss.
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110.196 Sabine Pass Channel, Sabine Pass, Tex.
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110.210 San Diego Harbor, Calif.
110.212 Newport Bay Harbor, Calif.
110.214 Los Angeles and Long Beach Harbors, Calif.
110.215 Anaheim Bay Harbor, Calif., U.S. Naval Weapons Station, Seal Beach, Calif.; naval explosives anchorage.
110.216 Pacific Ocean at Santa Catalina Island, Calif.
110.218 Pacific Ocean at San Clemente Island, Calif.; in vicinity of Wilson Cove.
110.220 Pacific Ocean at San Nicolas Island, Calif.; restricted anchorage areas.
110.222 Pacific Ocean at Santa Barbara Island, Calif.
110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.
110.228 Columbia River, Oreg. and Wash.
110.229 Straits of Juan de Fuca, Wash.
110.230 Puget Sound Area, Wash.
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110.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii; anchorage for nitrate laden vessels.
110.236 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii, Offshore pipeline terminal anchorages.
110.237 Pacific Ocean at Waimea, Hawaii, Naval Anchorage.
110.238 Apra Harbor, Guam.
110.240 San Juan Harbor, P.R.
110.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.
110.250 St. Thomas Harbor, Charlotte Amalie, V.I.
110.255 Ponce Harbor, P.R.

SOURCE: CGFR 67-46, 32 FR 17728, Dec. 12, 1967, unless otherwise noted.

### § 110.1 General.

(a) The areas described in Subpart A of this part are designated as special anchorage areas pursuant to the authority contained in an act amending laws for preventing collisions of vessels approved April 22, 1940 (54 Stat. 150); Article 11 of section 1 of the act of June 7, 1897, as amended (30 Stat. 98; 33 U.S.C. 180), Rule 9 of section 1 of the act of February 8, 1895, as amended (28 Stat. 647; 33 U.S.C. 258), and Rule Numbered 13 of section 4233 of the Revised Statutes as amended (33 U.S.C. 322). Vessels not more than 65 feet in length, when at anchor in any special anchorage area shall not be required to carry or exhibit the white anchor lights required by the Navigation Rules.

(b) The anchorage grounds for vessels described in Subpart B of this part are established, and the rules and regulations in relation thereto adopted, pursuant to the authority contained in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

(c) All bearings in the part are referred to true meridian.

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 7, 88 Stat. 1053, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322, 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

### § 110.1a Anchorages under Ports and Waterways Safety Act of 1972.

(a) The anchorages listed in this section are regulated under Title I, ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.):

(1) Section 110.155 *Port of New York.*

(b) Whoever violates any regulation under Title I Ports and Waterways Safety Act of 1972—

(1) Is liable to a civil penalty of not more than $10,000;

(2) If the violation is willfull is fined not less than $5,000 or more than $50,000 or imprisoned for not more than 5 years or both.

(Pub. L. 92-340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n))

[CGD 74-194, 41 FR 36019, Aug. 26, 1976]

## Subpart A—Special Anchorage Areas

AUTHORITY: R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3), unless otherwise noted.

### § 110.2 Sheepscot River, Wiscasset, Maine.

The area comprises that portion of the waterway beginning at a point, about 1,100 feet southerly from the westerly end of the highway bridge between Wiscasset and Davis Island, at latitude 43°59′56″, longitude 69°39′52″; thence 205° to latitude 43°59′42″, longitude 69°40′00″; thence 338° to latitude 43°59′52″, longitude 69°40′05″; and thence 64° to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

### § 110.2a Camden Harbor, Maine.

The water area enclosed by a line drawn from a point on Dillingham Point at latitude 44°12′10.5″ N., longitude 69°03′19″ W.; thence, by a line bearing 039° T; to a point at latitude 44°12′19.5″ N., longitude 69°03′09″ W.; thence by a line bearing 280° T to a point of land on the southwest shore of Camden Harbor at latitude 44°12′23.4″ N., longitude 69°03′39.1″ W.

The water area enclosed by a line drawn from a point on Northeast Point at latitude 44°12′32″ N., longitude 69°02′51″ W.; thence, by a line bearing 197° T to a point at latitude 44°12′22.5″ N., longitude 69°02′54.5″ W.; thence, by a line bearing 291° T to a point on Eaton Point at latitude 44°12′33.4″ N., longitude 69°03′31″ W.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 76-43, 42 FR 34881, July 7, 1977]

### § 110.3 Kennebec River at Randolph, Maine.

The area comprises that portion of the waterway beginning at a point on the shoreline 450 feet upstream from the east end of the Gardiner-Randolph Highway bridge at latitude 44°13′54″, longitude 69°46′06″, thence extending 213° to the upstream end of the east bridge pier at latitude 44°13′49″, longitude 69°46′11″, thence extending along the shoreward side of the pier to its downstream end at latitude 44°13′47″, longitude 69°46′10″, thence 113° to a point on the shoreline 350 feet downstream from the east end of the bridge at latitude 44°13′46″, longitude 69°46′05″, thence along the shore to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Randolph, Maine.

**§ 110.3a Kennebec River at Gardiner, Maine.**

(a) The area comprises that portion of the waterway on the westerly side of the river beginning at a point on the shoreline at latitude 44°10′20.5″, longitude 69°45′32″; thence due east to a point at latitude 44°10′20.5″, longitude 69°45′26″; thence northeasterly to a point at latitude 44°10′25″, longitude 69°45′23″; thence northerly to a point at latitude 44°10′33″, longitude 69°45′22″; thence due west to a point on the shoreline at latitude 44°10′33″, longitude 69°45′24″; and thence generally southwesterly along the shoreline to the point of beginning.

(b) The following requirements shall govern this special anchorage area:

(1) The area will be principally for use by yachts and other recreational craft.

(2) Temporary floats or buoys for marking anchors will be allowed, but fixed piles or stakes are prohibited. All moorings shall be so placed that no vessel when anchored shall at any time extend beyond the limits of the area.

(3) The anchoring of vessels and the placing of the temporary moorings shall be under the jurisdiction and at the discretion of the local harbor master, Gardiner, Maine.

[CGFR 68-2, 33 FR 4737, June 20 1968]

**§ 110.4 Kennebec River at Augusta, Maine.**

The area comprises that portion of the waterway on the east side of the river beginning at a point on the east shore at the east end of the north side of the highway bridge at mile 43.8, thence southwesterly along the north side of the bridge, to a point within 30 feet of the east limit of the project channel, thence northerly along a line 30 feet easterly of and parallel to the east limit of the channel to Kennebec Bridge at mile 44.1, thence easterly along the south side of the bridge to the shore, thence along the shore to the point of beginning.

NOTE: The area is reserved for yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed in the area. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend into the channel. All anchoring in the area shall be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the City of Augusta, Maine.

**§ 110.5 Casco Bay, Maine.**

(a) *Beals Cove, West side of Orrs Island, Harpswell.* The entire cove as defined by the shoreline and a line across the entrance bearing 215° and tangent to the shore on the north side.

(a-1) *Merriconeag Sound, Harpswell.* The area comprises that portion of the Sound beginning at a point on the shoreline about 1,000 feet northeasterly from the southwesterly extremity of Orrs Island at latitude 43°45′09″, longitude 69°59′14″, thence extending 290° to a point at latitude 43°45′10″, longitude 69°59′20″, thence extending 20° to a point at latitude 43°45′34″, longitude 69°59′05″, thence extending 110° to a point on the shoreline at latitude 43°45′33″, longitude 69°58′58″, thence along the shoreline to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Harpswell, Maine.

(a-2) *Mackerel Cove, Bailey Island, Harpswell.* The water area of Mackerel Cove lying northeasterly of a line from a point on Abner Point at latitude 43°43′28″ N., longitude 70°00′19″ W., to a point on Bailey Island at latitude 43°43′18.2″ N., longitude 70°00′12.2″ W.

(b) *Harpswell Harbor, east side of Harpswell Neck, Harpswell.* The entire area lying westerly of a line bearing 8° from the eastern extremity of Stovers Point to the point of land at the northerly end of the harbor, said point of land bearing approximately 275° from the observatory on Orrs Island.

(c) *Basin Cove, west side of Harpswell Neck, Harpswell.* All of the area lying northeasterly of a line bearing 350° from the northwest corner of the entrance to the cove.

(c-1) *Basin Point, Potts Harbor, east side of Basin Point.* The water area east of Basin Point enclosed by a line beginning at the southernmost extremity of Basin Point at latitude 43°44'17" N., longitude 70°02'36" W.; thence easterly to latitude 43°44'17" N., longitude 70°02'19" W.; thence north northeasterly to a point on the shoreline at latitude 43°44'43" N., longitude 70°02'05" W.; thence following the shoreline to the point of beginning.

(d) *Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth.* All of the waters enclosed by a line beginning at the Dock House (F.S.) located at latitude 43°44'22" N., longitude 70°11'41" W.; thence 123°, 200 yards; thence 204°, 1,760 yards; thence 220°, 1,950 yards to Prince Point; thence along the shoreline to the point of beginning.

(e) *Harraseeket River.* That portion of the Harraseeket River within the mean low water lines, between Stockbridge Point and Weston Point, excluding therefrom a thoroughfare, 100 feet wide, the center line of which follows the natural channel.

NOTE: This area is reserved for yachts and other small recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel when anchored shall at any time extend into the thoroughfare. All anchoring in the area shall be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Freeport, Maine.

(Sec. 1, 30 Stat. 98, as amended; sec. 6(g)(1)(B), 80 Stat. 937 (33 U.S.C. 180), (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 73-126R, 38 FR 33473, Dec. 5, 1973; CGD 73-124R, 39 FR 11544, Mar. 29, 1974; 39 FR 20376, June 10, 1974; CGD 76-46, 42 FR 40694, Aug. 11, 1977]

### § 110.6 Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island).

Beginning at the southeasterly corner of the wharf, at the most southerly point of Great Diamond Island at latitude 43°40'13", longitude 70°12'00"; thence extending southwesterly to the northeasterly corner of the wharf on the easterly side of Little Diamond Island at latitude 43°40'03", longitude 70°12'15"; thence extending along the northerly side of the wharf to its shoreward end at latitude 43°40'03", longitude 70°12'17"; thence extending along the shoreline of Little Diamond Island to latitude 43°40'11", longitude 70°12'20"; thence extending northeasterly to the shoreline of the southerly side of Great Diamond Island at latitude 43°40'21", longitude 70°12'06"; thence extending along the shoreline of Great Diamond Island to the shoreward end of a wharf at latitude 43°40'15", longitude 70°12'02"; thence extending along the southwesterly side of the wharf to the point of beginning.

NOTE. The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend beyond the limit of the area

### § 110.8 Lake Champlain, N.Y., and Vt.

(a) *Ticonderoga, N.Y.* An area shoreward of a line bearing 312° from Ticonderoga Light to the southeast corner of the New York State Boat Launching Ramp.

(b) *Essex, N.Y.* A small cove at the westerly side of Lake Champlain, shoreward of a line connecting the offshore ends of two promontories located at Essex.

(c) *Shelburne, Vt.* An area shoreward of a line bearing 142° from the eastern point of Collymer Pt. to Allen Hill.

(c-1) *Shelburne Bay.* Beginning at a point on the shoreline at latitude 44°25'53.0" N., longitude 73°14'47.3" W.; thence north to a point at latitude 44°26'04.8" N., longitude 73°14'46.6" W.; thence northwesterly to a point on the shoreline at latitude 44°26′06.9″ N., longitude 73°14′50.2″ W.; thence along the shoreline to the point of beginning.

(d) *Mallets Bay, Vt.* The southwesterly portion of Mallets Bay, south of Coates Island and west of a line bearing 170° from the most easterly point of Coates Island to the mainland.

(e) *Mallets Bay, Vt.* An area in the northwesterly portion of Mallets Bay, south of a line extending from the northeasterly end of Mallets Head to the northeasterly end of Marble Island, and west of a line extending from the northeasterly end of Marble Island to the northeasterly side of Cave Island, and southerly to the point on the lower east side of Mallets Head.

(f) *St. Albans Bay, Vt.* An area in the northerly portion of St. Albans Bay westward of the State Pier at St. Albans Bay State Park, northeasterly of a line bearing 296°30′ from the southwesterly corner of the State Pier, and southeasterly of a line parallel to and 500 feet west of the west side of the State Pier.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 70 16A, 35 FR 8823, June 6, 1970]

### § 110.10 Portsmouth Harbor, N.H., north of Newcastle Island.

Southeasterly of a line bearing 74°30′ from the northeasterly extremity of Goat Island; southerly of a line bearing 89°30′ and passing through a point 100 feet due north of the norther extremity of Salamander Point, southwesterly of a line bearing 300° from Portsmouth Harbor Light; northwesterly of a line bearing 215°30′ from the southwest corner of Frisbee Wharf; and northerly of the shore line and of the breakwater between Newcastle Island and Goat Island.

### § 110.15 Newburyport Harbor, Mass.

Eastward of a line bearing due north from the northeast corner of the American Yacht Club property to a point 237° and about 900 feet from South Pier; southward of a line bearing 70° to a point 212° and 310 feet from South Pier, thence 90° to a point 180° and about 600 feet from North Pier; westward of a line bearing 180° from North Pier to the shore line.

### § 110.20 Parker River, Newbury, Mass., 1½ miles above mouth.

That portion of the river extending 3,800 feet downstream from the highway bridge on Route 1A; excluding therefrom a clear approach to the bridge 100 feet wide following generally the deepest water.

### § 110.22 Plum Island Sound off Great Neck, Mass.

The waters of Plum Island Sound within the quadrant of a circle bounded by radii 2,600 feet long, bearing due north and 90°, respectively, from latitude 42°42′18″, longitude 70°48′12″, and the included arc.

### § 110.25 Beverly and Salem Harbors, Mass.

(a) *Beverly Harbor, north of Salem Neck.* A line extending from the northerly end of the Salem Willows Yacht Club House 360 yards bearing 281° true to latitude 42°32′14″ N., longitude 70°52′26″ W.; thence north 275 yards to Monument Bar Beacon thence 540 yards bearing 080° to latitude 42°32′25″ N., longitude 70°52′04″ W., thence 365 yards bearing 175° to latitude 42°32′14″ N., longitude 70°52′03″ W.; thence 237° to the shore.

(b) *Bass River.* All of the area upstream of the highway bridge (Popes Bridge) outside of the dredged channel.

(c) *Salem Harbor.* That part of the harbor lying southwesterly of a line bearing 116° from the eastern extremity of Long Point to a point 20° from the beacon southeast of Pickering Point; thence bearing 160° to a point 47° from the aforesaid beacon; thence bearing 99° to the shore; excluding therefrom the dredged channel and basin to the Dion Boat Yard.

(d) *Beverly and Mackerel Coves, north side of Beverly Harbor.* The water area enclosed by a line commencing at the southernmost point of Curtis Point in Beverly; thence bearing 238°, 1,400 yards to latitude 42°32′29.4″ N., longitude 70°51′34″ W.; thence 284°, 1,475 yards to the western shoreline of Mackerel Cove; thence north northeasterly to the point of beginning.

(e) *Collins Cove, Salem, Mass.* The water area enclosed by a line beginning at Monument Bar Beacon; thence 242°, 580 yards to latitude 42°32′14.5″ N., longitude 70°52′46.3″ W.; thence 284°, 220 yards to latitude 42°32′16″ N., longitude 70°52′55″ W.; thence 231°, 525 yards to a point on the shoreline; thence following the shoreline and the western boundary of the special anchorage area as described in 33 CFR 110.25(a) to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(b)); 49 CFR 1.46(c)(2))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 74-189, 40 FR 6339, Feb. 11, 1975; CGD 76-192, 42 FR 39386, Aug. 4, 1977]

### § 110.26 Marblehead Harbor, Marblehead, Mass.

The area comprises that portion of the harbor lying between the extreme low water line and southwestward of a line bearing 336° from Marblehead Neck Light to a point on Peach Point at latitude 42°31′03″, longitude 70°50′30″.

Note: The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors are allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so that no vessel, when anchored, shall at any time extend beyond the limits of the area. The anchoring of vessels and the placing of temporary moorings are under the jurisdiction and at the direction of the local harbormaster.

[CGFR 68-96, 33 FR 12550, Sept. 5, 1968; CGFR 68-157, 34 FR 1380, Jan. 29, 1969]

### § 110.30 Boston Harbor, Mass., and adjacent waters.

(a) *Lynn Harbor.* North of a line bearing 244° from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing 358°, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88°, extending thence to the shore; and south and west of the shore line to its intersection with the south boundary.

(b) *Vicinity of Pleasant Park Yacht Club, Winthrop.* Southerly of a line bearing 276° from a point on the west side of Pleasant Street, Winthrop, 360 feet from the southwest corner of its intersection with Main Street; westerly of a line bearing 186° from a point on the south side of Main Street 140 feet from the southwest corner of its intersection with Pleasant Street; northerly of a line bearing 256° from a point on the west side of Pleasant Street 550 feet from the southwest corner of its intersection with Main Street and easterly of a line bearing 182° from a point on the south side of Main Street 640 feet from the southwest corner of its intersection with Pleasant Street.

(c) *Mystic River, east side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North; easterly of Chelsea Bridge North; southerly of the shore line; and westerly of a line bearing 7° from the easterly end of the aforesaid fender pier.

(d) *Mystic River, west side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North and a line extending from the westerly end of the shoreward face of the aforesaid fender pier to the southeasterly corner of the wharf projecting from the Naval Hospital grounds; easterly of the aforesaid wharf; southerly of the shore of the Naval Hospital grounds; and westerly of Chelsea Bridge North.

(e) *Vicinity of South Boston Yacht Club, South Boston.* Northerly of a line bearing 96° from the stack of the heating plant of the Boston Housing Authority in South Boston; easterly of a line bearing 5° from the west shaft of the tunnel of the Boston Main Drainage Pumping Station; southerly of the shore line; and westerly of a line bearing 158° from the northeast corner of the iron fence marking the east boundary of the South Boston Yacht Club property.

(f) *Dorchester Bay, in vicinity of Savin Hill Yacht Club.* Northerly of a line bearing 64° from the stack of the old power plant of the Boston Elevated Railway on Freeport Street in Dorchester; westerly of a line bearing 163° from the stack of the Boston Main

Drainage Pumping Station on the Cow Pasture in Dorchester; and southerly and easterly of the shore line.

(g) *Dorchester Bay, in vicinity of Dorchester Yacht Club.* Eastward of a line bearing 21° from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° from the southerly channel pier of the highway bridge; westward of the highway bridge and the shore line; and northward of the shore line.

(h) *Quincy Bay, in vicinity of Wollaston and Squantum Yacht Clubs.* Northwesterly of a line bearing 36°30′ from a point on the shore 2,600 feet easterly of the east side of the Wollaston Yacht Club landing; southwesterly of a line bearing 129°15′ from the water tank in Squantum; and southeasterly and northeasterly of the shore line.

(i) *Quincy Bay, in vicinity of Merrymount Yacht Club.* South of a line starting from a point bearing 246°, 3,510 yards, from the stack of the pumping station on Nut Island, and extending thence 306° to the shore; west of a line bearing 190° from the aforesaid point to the shore; and north and east of the shore line.

(j) *Weymouth Fore River, in vicinity of Quincy Yacht Club.* Southwesterly of a line bearing 119° from the outer end of the wharf at Nut Island; northwesterly of a line bearing 199°30′ from Pig Rock Light to the eastern end of Raccoon Island; northerly of Raccoon Island and of a line from its western extremity bearing 245° from Beacon 2A; and easterly of the shore of Houghs Neck.

(k) *Weymouth Fore River, in vicinity of Wessagussett Yacht Club.* Southwesterly of a line bearing 117° from channel light "4"; southeasterly of a line 150 feet from and parallel to the meandering easterly limit of the dredged channel; easterly of a line bearing 188° from the eastern extremity of Rock Island Head; and northwesterly of the shore line.

(l) *Weymouth Back River, in vicinity of Eastern Neck.* The cove on the north side of the river lying northerly of a line bearing 264°30′ from the southwesterly corner of the American Agricultural Chemical Company's wharf (Bradley's Wharf) to the shore of Eastern Neck, about 2,200 feet distant.

### § 110.31 Hull Bay and Allerton Harbor at Hull, Mass.

(a) *Area No. 1 in Allerton Harbor.* That area north of Hog Island beginning at latitude 42°18′15″, longitude 70°53′46″; thence due east to latitude 42°18′15″, longitude 70°53′29.5″; thence due south to latitude 42°18′07.5″, longitude 70°53′29.5″; thence due west to latitude 42°18′07.5″, longitude 70°53′46″; thence due north to the point of beginning.

(b) *Area No. 2 in Hull Bay.* That area south of Hog Island beginning at latitude 42°17′50.5″, longitude 70°54′07″; thence due east to latitude 42°17′50.5″, longitude 70°53′29.5″; thence due south to latitude 42°17′30″, longitude 70°53′29.5″; thence due west to latitude 42°17′30″, longitude 70°54′07″; thence due north to the point of beginning.

(c) *Area No. 3 in Hull Bay.* That area north of Bumkin Island beginning at latitude 42°17′22″, longitude 70°54′07″; thence due east to latitude 42°17′22″, longitude 70°53′17.5″; thence due south to latitude 42°17′01″, longitude 70°53′17.5″; thence due west to latitude 42°17′01″, longitude 70°54′07″; thence due north to the point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the local Harbor Master, Hull, Mass.

[CGFR 68-160, 34 FR 392, Jan. 10, 1969; 34 FR 939, Jan. 22, 1969]

### § 110.32 Hingham Harbor, Hingham, Mass.

(a) *Area 1.* Beginning at latitude 42°15′39″, longitude 70°53′24″; thence to latitude 42°15′53.5″, longitude 70°53′32″; thence to latitude 42°15′56″, longitude 70°53′23″; thence to latitude 42°15′42″, longitude 70°53′15″; thence to point of beginning.

(b) *Area 2.* Beginning at latitude 42°15′30″, longitude 70°53′02.5″; thence to latitude 42°15′30″, longitude 70°53′13.5″; thence to latitude

42°15'27.5", longitude 70°53'18"; thence to latitude 42°15'28.5", longitude 70°53'31"; thence to latitude 42°15'35", longitude 70°53'34"; thence to latitude 42°15'36", longitude 70°53'36.5"; thence to latitude 42°15'41", longitude 70°53'34.5"; thence to latitude 42°15'31", longitude 70°53'28"; thence to latitude 42°15'31.5", longitude 70°53'03"; thence to point of beginning.

(c) *Area 3.* Beginning at latitude 42°15'33", longitude 70°53'01.5"; thence to latitude 42°15'33.5", longitude 70°53'19"; thence to latitude 42°15'35.5", longitude 70°53'02"; thence to point of beginning.

(d) *Area 4.* Beginning at latitude 42°14'47", longitude 70°53'09.5"; thence to latitude 42°14'48.5", longitude 70°53'11.5"; thence to latitude 42°14'54", longitude 70°53'08"; thence to latitude 42°14'56.5", longitude 70°52'58.5"; thence to point of beginning.

(e) *Area 5.* Beginning at latitude 42°14'48", longitude 70°52'57"; thence to latitude 42°14'48.5", longitude 70°53'02"; thence to latitude 42°14'58", longitude 70°52'51"; thence to latitude 42°14'53.5", longitude 70°52'50"; thence to point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

[CGFR 68-89, 33 FR 11077, Aug. 3, 1968]

### § 110.33 Scituate Harbor, Mass.

The water area of Scituate Harbor west of a line connecting the end of the south breakwater at latitude 24°12'05" N., longitude 70°43'01" W. and the end of the inner north break water at latitude 42°12'12" N., longitude 70°43'02.5" W., except those areas within the designated project channels as shown on Chart No. 13269 (formerly C and GS Chart No. 244) issued by the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

NOTE: The Waterways By-laws of the Town of Scituate require the local Harbor Master's approval of the location and type of any mooring placed in this special anchorage area.

(Sec. 6(g)(1)(B), 80 Stat. 937; 49 CFR 1.46 (c)(2))

[CGD 74-193, 41 FR 39743, Sept. 16, 1976]

### § 110.35 Plymouth Harbor, Mass.

Southeasterly of a line bearing 39° from Splitting Knife front range light; southwesterly of a line bearing 123° from a point on the southeast face of the State Pier, 40 feet from the northeast corner (intersection of the northeast and southeast faces produced) of said pier; westerly of a line bearing 356° from the northeast corner of the Pilgrim Yacht Club wharf; and northeasterly of the shore line.

### § 110.37 Sesuit Harbor, Dennis, Mass.

All the waters of Sesuit Harbor southerly of a line extending between the outer end of the jetties on each side of the entrance to the Harbor.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles of stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

### § 110.38 Edgartown Harbor, Mass.

An area in the inner harbor easterly of the project channel and south of Chappaquiddick Point bounded as follows: Beginning at latitude 41°23'19", longitude 70°30'32"; thence southeasterly along the shore to latitude 41°22'52", longitude 70°30'12"; thence 287°30' 1,600 feet; thence 327°30', 700 feet; thence 359° true, 800 feet; thence 24°15' approximately 900 feet to the point of beginning.

NOTE: The area is reserved for yachts and other small recreational craft. Fore and aft moorings and temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel when anchored shall extend into waters beyond the limits of the area. Fixed mooring piles or stakes are prohibited.

### § 110.40 Silver Beach Harbor, North Falmouth, Mass.

All the waters of the harbor northward of the inner end of the entrance channel.

### § 110.45 Onset Bay, Mass.

Northerly of a line extending from the northernmost point of Onset Island to the easternmost point of Wickets Island; easterly of a line extending from the easternmost point of Wickets Island to the southwest extremity of Point Independence; southerly of the shore line; and westerly of the shore line and of a line bearing due north from the northernmost point of Onset Island.

### § 110.46 Newport Harbor, Newport, R.I.

(a) Area No. 1. The waters of Brenton Cove south of a line extending from latitude 41°28′50″ N., longitude 71°18′58″ W.; to latitude 41°28′45″ N., longitude 71°20′08″ W.; thence along the shoreline to the point of beginning.

(b) Area No. 2. The waters east of Goat Island beginning at a point bearing 090°, 245 yards from Goat Island Shoal Light; thence 007°, 505 yards; thence 054°, 90 yards; thence 086°, 330 yards; thence 122°, 90 yards; thence 179°, 290 yards; thence 228°, 380 yards; thence 270°, 250 yards to the point of beginning.

(c) Area No. 3. The waters north of Goat Island Causeway Bridge beginning at Newport Harbor Light; thence 023° to the southwest corner of Anchorage E; thence 081° following the southerly boundary of Anchorage E to the shoreline; thence south along the shoreline to the east foot of the Goat Island Causeway bridge; thence west following Goat Island Causeway Bridge to the shoreline of Goat Island; thence north following the east shore of Goat Island to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); Sec. 6(g)(1) 80 Stat. 937 (49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)))

[CGD 76-104, 44 FR 21792, Apr. 12, 1979]

### § 110.47 Little Narragansett Bay, Watch Hill, R.I.

All of the navigable waters of Watch Hill Cove southeasterly of a line beginning at the shore end of the United States project groin on the southerly shore of the cove and running 41°30′ true, to the northerly shore of the cove at a point about 200 feet west of the west side of the shore end of Meadow Lane, with the exception of a 100-foot wide channel running from the westerly end of the cove in a southeasterly direction to the Watch Hill Yacht Club pier, thence along in front of the piers on the easterly side of the cove northerly to the shore at the north end of the cove.

### § 110.48 Thompson Cove on east side of Pawcatuck River below Westerly, R.I.

Eastward of a line extending from the channelward end of Thompson Dock at the northern end of Thompson Cove 184° to the shore at the southern end of Thompson Cove.

### § 110.50 Stonington Harbor, Conn.

(a) *Area No. 1.* Beginning at the southeastern tip of Wamphassuc Point; thence to the northwesterly end of Stonington Inner Breakwater; thence along the breakwater to longitude 71°54′50.5″; thence to latitude 41°20′25.3″, longitude 71°54′50.5″; thence to a point on the shoreline at latitude 41°20′32″, longitude 71°54′54.8″; thence along the shoreline to the point of beginning.

(b) *Area No. 2.* Beginning at a point on the shoreline at latitude 41°19′55.8″, longitude 71°54′28.9″; thence to latitude 41°19′55.8″, longitude 71°54′37.1″; thence to latitude 41°20′01.6″, longitude 71°54′38.8″; thence to a point on the shoreline at latitude 41°20′02″, longitude 71°54′34.3″; thence along the shoreline to the point of beginning.

(c) *Area No. 3.* Beginning at a point on the shoreline at latitude 41°20′29.5″, longitude 71°54′43″; thence to latitude 41°20′25.6″, longitude 71°54′48.5″; thence to latitude 41°20′10.7″, longitude 71°54′48.5″; thence to the shoreline at latitude 41°20′10.7″; thence along the shoreline to the point of beginning.

NOTE: A fixed mooring stake or pile is prohibited. The General Statutes of the State of Connecticut authorizes the Harbor Master of Stonington to station and control a vessel in the harbor.

[CGFR 68-164, 34 FR 1380, Jan. 29, 1969]

### § 110.50a Fishers Island Sound, Stonington, Conn.

An area on the east side of Mason Island bounded as follows:

Beginning at the shore line on the easterly side of Mason Island at latitude 41°20′06″; thence due east about 600 feet to latitude 41°20′06″, longitude 71°57′37″; thence due south about 2,400 feet to latitude 41°19′42″, longitude 71°57′37″; thence due west about 1,000 feet to the shore line on the easterly side of Mason Island at latitude 41°19′42″; thence along the shore line to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and the discretion of the local Harbor Master.

### § 110.50b Mystic Harbor, Groton and Stonington, Conn.

(a) *Area No. 1.* Beginning at Ram Point on the westerly side of Mason Island at latitude 41°19′44″, longitude 71°58′42″; thence to latitude 41°19′30″, longitude 71°58′43″; thence to latitude 41°19′36″, longitude 71°58′58″; thence to latitude 41°19′45″, longitude 71°58′56″; thence to the point of beginning.

(b) *Area No. 2.* Beginning at a point about 250 feet southerly of Area 1 and on line with the easterly limit of Area 1 at latitude 41°19′27″, longitude 71°58′44″; thence to latitude 41°19′19″, longitude 71°58′45″; thence to latitude 41°19′25″, longitude 71°58′59″; thence to latitude 41°19′33″, longitude 71°58′58″; thence to the point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

### § 110.50c Mumford Cove, Groton, Conn.

(a) *Area No. 1.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19′36″, longitude 72°01′06″; thence to latitude 41°19′30″, longitude 72°01′04″; thence to the shoreline at latitude 41°19′31″, longitude 72°01′00″; and thence along the shoreline to the point of beginning.

(b) *Area No. 2.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19′15″, longitude 72°00′54″; thence to latitude 41°19′14.5″, longitude 72°00′59″; thence to latitude 41°19′11″, longitude 72°00′58″; thence to latitude 41°19′10″, longitude 72°00′54″; thence to latitude 41°19′12.5″, longitude 72°00′52″; thence to latitude 41°19′14″, longitude 72°00′55″; and thence to the point of beginning.

NOTE: The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion, of the local Harbor Master.

### § 110.50d Mystic Harbor, Noank, Conn.

(a) The area comprises that portion of the harbor off the easterly side of Morgan Point beginning at a point at latitude 41°19′15″, longitude 71°59′13.5″; thence to latitude 41°19′15″, longitude 71°59′00″; thence to latitude 41°19′02.5″, longitude 71°59′00″; thence to latitude 41°19′06″, longitude 71°59′13.5″; and thence to the point of beginning.

(b) The following requirements shall govern this special anchorage area:

(1) The area will be principally for use by yachts and other recreational craft.

(2) Temporary floats or buoys for marking anchors will be allowed but fixed piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall extend beyond the limits of the area.

(3) The anchoring of vessels and the placing of temporary moorings shall be under the jurisdiction and at the discretion of the local harbor master, Noank, Conn.

[CGFR 68-3, 33 FR 4738, Mar. 20, 1968]

### § 110.51 Groton, Conn.

The waters between an unnamed cove and Pine Island.

(a) Beginning at a point on the shoreline of Avery Point at latitude 41°19'01", longitude 72°03'45"; thence to a point in the cove at latitude 41°19'02", longitude 72°03'38"; thence southerly to a point at latitude 41°18'56.6", longitude 72°03'36"; thence northeasterly to a point at latitude 41°19'03", longitude 72°03'21.4"; thence terminating at the tip of Jupiter Point at latitude 41°19'04", longitude 72°03'21.5".

(b) Beginning at a point on the shoreline of Pine Island at latitude 41°18'47", longitude 72°03'37"; thence to latitude 41°18'54.5", longitude 72°03'35.5"; thence northeasterly to a point at latitude 41°19'0.07", longitude 72°03'21"; thence terminating at a point at latitude 41°18'53.8", longitude 72°03'19".

NOTE: The areas designated by (a) and (b) of this section are principally for vessels used for recreational purposes. Vessels shall be anchored so that no part of the vessel obstructs the 75 yard wide channel. Temporary floats or buoys for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

[CGFR 69-74, 34 FR 12437, July 30, 1969]

### § 110.52 Thames River, New London, Conn.

(a) *Area No. 1.* An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 100 yards southeasterly of the southerly side of Thames Street extended; thence 84°, 420 yards; thence 156°, 425 yards; thence 240°, 210 yards, to the shore; and thence northwesterly along the shore to the point of beginning.

(b) *Area No. 2.* An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 15 yards southeasterly of the southerly side of Converse Place extended; thence 54°, 170 yards; thence 114°30', 550 yards; thence 266°30', 250 yards; thence 234°, 230 yards, to the shore; and thence northwesterly along the shore to the point of beginning.

### § 110.53 Niantic, Conn.

Beginning on the shoreline at latitude 41°18'25.3", longitude 72°12'16.3"; thence to latitude 41°18'23.3", longitude 72°12'11.6"; thence to latitude 41°18'50.7", longitude 72°11'51.5"; thence to the shoreline at latitude 41°18'56.5", longitude 72°12'05.6"; thence along the shoreline to the point of beginning.

NOTE: This area is for public use, principally for vessels used for a recreational purpose. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

[CGFR 69-24, 34 FR 6480, Apr. 15, 1969]

### § 110.54 Long Island Sound, on west side of entrance to Pataguanset River, Conn.

An area east of Giants Neck (formerly known as Grant Neck) described as follows: Beginning at a point bearing 114°, 75 feet, from the outer end of the breakwater at the south end of Giants Neck; thence 90°, 1,050 feet; thence 22°17'30", 2,140 feet; thence 283°27'15.5", 240 feet; thence 220°36'39", 1,252.6 feet; thence 295°23'16.5", 326.5 feet; thence 269°02'42.6", 240 feet; thence 261°46'50.9", 181.9 feet; thence 226°28'07.7", 275.9 feet; thence 147°43'27.7", 449.4 feet; thence 238°01'35.8", 379.6 feet; and thence approximately 156°31'05.8", 462.11 feet, to the point of beginning.

### § 110.55 Connecticut River, Conn.

(a) *West of Calves Island at Old Saybrook.* Beginning at a point bearing 254°09'16", 153 yards, from Calves Island 20 Light; thence 157°, 1,037 yards; thence 175°, 150 yards; thence 265°, 250 yards; thence 350°, 660 yards; thence 337°, 460 yards; and thence approximately 67°, 135 yards, to the point of beginning.

(a-1) *Area No. 1, at Essex.* Beginning at a point on the shore on the west side of Haydens Point bearing approximately 211°, 270 yards, from Haydens Point Light; thence 270°, 160 yards; thence due north, 140 yards; thence 300°, 190 yards; thence 330°, 400 yards; thence 90°, 60 yards; thence 150°, 350 yards; thence 120°, about 434 yards to a point on the shore; thence along the shore southwesterly to the point of beginning.

(b) *Area No. 2, at Essex.* Beginning at a point latitude 41°21'22", longitude 72°22'53"; thence 205°30', 375 yards;

thence 194°31', 100 yards; thence 185°00', 440 yards; thence 153°30', 80 yards; thence 121°00', 220 yards; thence due north approximately 1060 yards to the point of beginning.

Note: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

(c) *West of Brockway Island at Essex.* That portion of the waters northwest of a line ranging 238° from latitude 41°22'20.7", longitude 72°22'49.8" to the shoreline; southwest of a line connecting a point at latitude 41°22'20.7", longitude 72°22'49.8" and a point at latitude 41°22'28.2", longitude 72°22'56"; and southeast of a line ranging 238° from latitude 41°22'28.2", longitude 72°22'56" to the shoreline.

Note: This area is principally for vessels used for a recreational purpose. A mooring buoy is permitted. Fixed mooring piles or stakes are prohibited.

(d) *Area No. 1, at Eddy Rock Light.* Beginning at latitude 41°26'38", longitude 72°27'37"; thence extending southeasterly to latitude 41°26'12", longitude 72°27'18"; thence extending westerly to latitude 41°26'11", longitude 72°27'22"; thence extending northwesterly to latitude 41°26'23", longitude 72°27'42"; thence extending northerly to latitude 41°26'36", longitude 72°27'43"; thence extending easterly to the point of beginning.

(e) *Area No. 2, at Lord Island.* Beginning at latitude 41°26'11", longitude 72°27'16"; thence extending south southeasterly to latitude 41°26'03", longitude 72°27'02"; thence extending southeasterly to latitude 41°25'59", longitude 72°26'51"; thence extending southwesterly to latitude 41°25'58", longitude 72°26'52"; thence extending northwesterly to latitude 41°26'05", longitude 72°27'11"; thence extending north northwesterly to latitude 41°26'10", longitude 72°27'20"; thence extending easterly to the point of beginning.

Note: The areas designated by paragraphs (d) and (e) of this section are principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and placing of mooring floats or buoys will be under the jurisdiction, and at the discretion of the local Harbor Master. Area 2 will not be used during the shad fishing season.

(e-1) *Area No. 1 at Chester.* Beginning at a point about 600 feet southeasterly of the entrance of Chester Creek, at latitude 41°24'23", longitude 72°25'41"; thence due south about 1,800 feet to latitude 41°24'05", longitude 72°25'41"; thence due east about 600 feet to latitude 41°24'05", longitude 72°25'32"; thence due north about 1,800 feet to latitude 41°24'23", longitude 72°25'32"; thence due west about 600 feet to the point of beginning.

Note: The area is principally for use by yachts and other recreational craft. A mooring buoy is allowed. Fixed mooring piles or stakes are prohibited.

(e-2) *Area No. 2 at Chester.* That area south of latitude 41°24'43.9", west of longitude 72°25'35", north of latitude 41°24'33.4", and east of longitude 72°25'40.8".

Note: Area No. 2 may not be used during the shad fishing season, April 1 to June 15, inclusive. A mooring buoy is permitted at other times. Fixed mooring piles or stakes are prohibited.

(f) *Vicinity of Mouse Island Bar below Portland.* On the north side of the river shoreward of lines described as follows: (1) Beginning at a point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 270°, 480 yards; and thence due north, approximately 230 yards, to the shore. (2) Beginning at the said point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 70°, 400 yards; and thence 350°, approximately 250 yards, to the shore.

(g) *Area at Portland.* Beginning at a point on the shore, about 700 feet southeasterly from the easterly end of the New York, New Haven and Hartford Railroad Company bridge, at latitude 41°33'55", longitude 72°38'43"; thence 250° to latitude 41°33'54", longitude 72°38'46"; thence 160° to latitude 41°33'48", longitude 72°38'43"; thence 145° to latitude 41°33'44", longitude

72°38'39"; thence 55° to a point on the shore at latitude 41°33'47", longitude 72°38'32"; thence along the shore to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limit of the area or closer than 50 feet to the Federal channel limit. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-137, 33 FR 18279, Dec. 10, 1968; CGFR 68-139, 33 FR 18437, Dec. 12, 1968]

### § 110.55a Five Mile River, Norwalk and Darien, Conn.

The water area of the Five Mile River beginning at a point on the southeast shore of Butler Island at latitude 41°03'27.5" N., longitude 73°26'52" W.; thence following the shoreline northerly along the westerly side of Five Mile River to the highway bridge at Route 136 (White Bridge); thence easterly along the southerly side of the highway bridge to the easterly side of Five Mile River; thence following the shoreline southerly along the easterly side of Five Mile River to a point on the southwest shore at Rowayton at latitude 41°03'30" N., longitude 73°26'47" W., thence 242° to the point of beginning, except those areas within the designated project channel as shown by dotted lines on the Five Mile River on Chart No. 12368 (formerly C and GS Chart No. 221) issued by National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

NOTE: Under an Act of the Connecticut State Legislature the harbor superintendent, appointed by the Five Mile River Commission, may control moorings and navigation including preventing vessels from anchoring in the federal project channel.

(Sec. 6(g)(1)(B), 80 Stat. 937; 49 CFR 1.46 (c)(2))

[CGD 76-44, 41 FR 40467, Sept. 20, 1976]

### § 110.56 Noroton Harbor, Darien, Conn.

(a) Beginning at a point on the southwesterly side of Long Neck Point at latitude 41°02'10", longitude 73°28'44"; thence northwesterly to latitude 41°02'17", longitude 73°29'11"; thence in a north-northwesterly direction to the southeast side of Pratt Island at latitude 41°02'28", longitude 73°29'17"; thence following the shoreline around the easterly and northerly sides of Pratt Island, the westerly and northerly sides of Pratt Cove, and the westerly side of the Darien River to the causeway and dam at Gorham Pond on the north; thence along the downstream side of the causeway and dam to the easterly side of the Darien River, thence along the easterly shoreline to the point of beginning.

NOTE: An ordinance of the town of Darien, Conn. requires the Darien Harbor Master's approval of the location and type of any mooring placed in this special anchorage area.

[CGFR 68-122, 33 FR 18238, Dec. 7, 1968]

### § 110.58 Cos Cob Harbor, Greenwich, Conn.

(a) *Area A.* Beginning at the mean low water line about 2,800 feet downstream from the easterly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'23", longitude 73°35'40"; thence extending True west to latitude 41°01'23", longitude 73°35'42"; thence extending southwesterly to a point at latitude 41°01'02", longitude 73°35'50"; thence True east to a point on the shoreline at latitude 41°01'02", longitude 73°35'48"; thence extending along the mean low water line to the point of beginning.

(b) *Area B.* Beginning at the mean low water line about 700 feet downstream from the westerly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'42", longitude 73°35'47"; thence True east to latitude 41°01'42", longitude 73°35'45"; thence southeasterly to latitude 41°01'23", longitude 73°35'44"; thence southwesterly to latitude 41°01'04", longitude 73°35'52", thence southwesterly to latitude 41°01'02", longitude 73°35'55"; thence True west to a point on shore on the northerly side of Goose Island at latitude 41°01'02", longitude 73°36'00"; thence True north to a point at the mean low water line at latitude 41°01'05", longitude 73°36′00″; thence along the mean low water line to the point of beginning.

NOTE. The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend into the waters beyond the limits of the areas or closer than 50 feet to the Federal channel limits.

### § 110.60 Port of New York and vicinity.

(a) *Huntington Harbor.* Beginning on the shoreline at latitude 40°54′19.5″, longitude 73°26′07.9″; thence to latitude 40°54′19.5″, longitude 73°26′02.4″; thence along the eastern shoreline to the Mill Dam Road Bridge; thence along the downstream side of the bridge to the westerly side of Huntington Harbor; thence along the western shoreline to the point of beginning.

(a-1) *Centerport Harbor.* Beginning at the shoreline at latitude 40°54′00″, longitude 73°22′55.3″; thence to latitude 40°54′03.8″, longitude 73°22′52.1″; thence along the eastern shoreline to the Mill Dam Bridge; thence along the downstream side of the bridge to the westerly side of Centerport Harbor; thence along the western shoreline to the point of beginning.

(a-2) *Northport Harbor.* Beginning on the shoreline at latitude 40°54′25″, longitude 73°22′05″; thence to latitude 40°54′37.5″, longitude 73°21′32.9″; thence along the eastern shoreline to latitude 40°53′33.1″, longitude 72°21′28.2″; thence to latitude 40°53′25.8″, longitude 73°21′37.7″; thence along the shoreline to the point of beginning.

NOTE: The areas designated by paragraphs (a), (a-1), and (a-2) of this section are principally for vessels used for a recreational purpose. A vessel shall be anchored so that no part of the vessel comes within 50 feet of the marked channel. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

(b) *New Rochelle Harbor, west and south of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 110.155) between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland, to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island, and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island; excluding therefrom all waters within 25 feet of the 50-foot channel west and south of Glen Island.

(b-1) *New Rochelle, Echo Bay.* That portion of Long Island Sound Anchorage Grounds No. 1-A and No. 1-B (described in § 110.155(a)(2) and (3)) northwest of a line ranging 30°30′ from the northeastern tip of Davenport Neck to the southeastern tip of Premium Point.

NOTE: An ordinance of the Town of New Rochelle N.Y., requires a permit from the New Rochelle Harbor Master or the New Rochelle Superintendent of Bureau of Marinas, Docks and Harbors before any mooring is placed in this special anchorage area.

(c) *New Rochelle Harbor, east of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

(c-1) *City Island Harbor, east of City Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 110.155) between City Island and Hart Island eastward of a line ranging 339° between the steeple on City Island and the westernmost corner of the Administration Building at Orchard Beach; southward of a line ranging 50° between the northerly abutment on the westerly end of the City Island drawbridge and tangent to Chimney Sweeps; westward of a line tangent to Chimney Sweeps and ranging 163° toward the west gable on Rat Island and westward of a line tangent to the easterly side of High Island and ranging 152°30′ from the west gable on Rat Island; and northward of a line ranging 56° between the Buryea Pier at Belden Point, City Island to Hart

Island Light, except for the cable and pipe line area extending between City Island and Hart Island.

(d) *Eastchester Bay, west of City Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) west of City Island and within the following limits: Northward of a line ranging 244° from the Duryea Pier at the foot of City Island Avenue to Big Tom Nun Buoy No. 2 (latitude 40°50'01", longitude 73°47'25"); thence northeastward of a line ranging 329° from Big Tom Nun Buoy No. 2 through the Nun Buoy (latitude 40°50'46", longitude 73°48'01") off the southern end of Rodman Neck; southeastward of a line ranging 205° from the east abutment of the City Island Bridge through the south tower of the Bronx-Whitestone Bridge; and southward of a line ranging 90° from the Pelham War Memorial in Pelham Bay Park and the steeple of the church at the southeast corner of Elizabeth Street and City Island Avenue.

(e) *Eastchester Bay, along west shore.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) along the west shore of Eastchester Bay north of and including Weir Creek, shoreward of a line ranging 349° from the end of the timber pier at the foot of Pope Place, Edgewater, and through the transmission tower at the northeast side of the draw of the New York, New Haven and Hartford Railroad Bridge over Eastchester Creek, and having as its northerly limit the line ranging 79° through the row of telephone poles along the north side of Watt Avenue.

(f) *Eastchester Bay, Locust Point Harbor.* That portion of Long Island Sound Anchorage No. 2 (as described in § 110.155(a)) included within the limits of Locust Point Harbor between Wright Island and Throgs Neck and to the westward of a north and south line (longitude 73°47'58") through the southerly corner of the concrete culvert at the southerly end of the stone wall at Locust Point on Wright Island.

(g) *Manhasset Bay, west area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) westward of a line (longitude 73°42'53") ranging 180° from the end of the Town of North Hempstead pier at Manorhaven; northwestward of a line ranging 233° from the intersection of the shore and the northerly line of Corchang Avenue (extended) on Tom Point toward Plum Point Shoal Buoy 3 (latitude 40°49'48.5", longitude 73°43'25"); and northeastward of a line ranging 119° from the cupola on Plum Point toward the inshore end of the northerly side of the Purdy Boat Company pier at Port Washington; excluding therefrom the seaplane restricted area described in § 207.35.

(h) *Manhasset Bay, east area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) bounded as follows: Beginning at the southerly tip of Tom Point; thence 270° to latitude 40°49'58", longitude 73°42'41"; thence 234° to latitude 40°49'48.5", longitude 73°42'58"; thence 90° to latitude 40°49'48.5", longitude 73°42'22.5"; thence 20° to latitude 40°50'01.5", longitude 73°42'16"; thence due north to the point of land at Manorhaven northeasterly of Tom Point; and thence southwesterly along the shore to the point of beginning.

(i) *Manhasset Bay, at Port Washington.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) southward of latitude 40°49'44"; eastward of a line ranging 161° from the offshore end of the Yacht Service, Inc., pier on the Copp Estate at Manorhaven toward the flagpole on the end of the Whitney Dock at Plandome; and northward of latitude 40°49'06".

(i-1) *Manhasset Bay, at Kings Point.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155(a)(6)) bounded as follows: Beginning at a point on the shoreline at latitude 40°49'24.4", longitude 73°43'41.5"; thence to a point at latitude 40°49'32.5", longitude 73°43'30.1"; thence to a point at latitude 40°49'42.9", longitude 73°43'55.2"; thence to a point on the shoreline at latitude 40°49'39", longitude 73°43'59"; thence along the shoreline to the point of beginning.

(j) *Manhasset Bay, at Plandome.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) southward of the line of the

Whitney Dock at Plandome extended; eastward of a line ranging 186° from the Manhasset-Lakeville Water District tank at Thomaston toward the tank at Tom Point; and northward of Thompson's pier at Plandome extended.

(j-1) *Kings Point.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) beginning on the shoreline at latitude 40°49′00.3″, longitude 73°45′43.5″; thence to latitude 40°49′03.9″, longitude 73°45′47.1″; thence to latitude 40°49′12.9″, longitude 73°45′41.2″; thence to latitude 40°49′18.7″, longitude 73°45′30.3″; thence to latitude 40°49′08.2″, longitude 73°45′19″; thence along the shoreline to the point of beginning.

NOTE: Temporary floats or buoys for marking anchors in place are allowed. Fixed mooring piles or stakes are prohibited. An ordinance of the village of Kings Point regulates mooring and anchoring in the area which includes this special anchorage area.

This special anchorage area is within the limits of Long Island Sound Anchorage No. 4 as described in § 110.155(a)(6).

(k) *Little Neck Bay.* That portion of Long Island Sound Anchorage No. 5 (as described in § 110.155(a)(7)), southeastward of a line ranging approximately 20°30′ from the flagpole at Fort Totten, Willets Point to the outermost dolphin of the U.S. Merchant Marine Academy's pier at Kings Point, Long Island.

(l) *Flushing Bay, north area.* That portion of East River Anchorage No. 10 (described in § 110.155), in the vicinity of College Point, southeastward of a line tangent to the west side of College Point ranging from College Point Reef Light to the offshore end of the most northerly rack of the former College Point Ferry slip.

(l-1) *Flushing Bay, north central area.* That portion of East River Anchorage No. 10 (described in § 110.155) on the east side of Flushing Bay, southward of a line projecting due west from the tank located on the north side of the foot of 15th Avenue, College Point, eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 42° from Flushing Bay Light 8 on the north end of the dike.

(l-2) *Flushing Bay, south central area.* That portion of East River Anchorage No. 10 (described in § 110.155) on the east side of Flushing Bay, southward of a line ranging 52° from a point at latitude 40°46′29″, longitude 73°51′16″; eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 67° from a point at latitude 40°46′12″, longitude 73°51′06″ to the shore.

(m) *Flushing Bay, southeast area.* That portion of East River Anchorage No. 10 (described in § 110.155) south of a line ranging 60° from the northeasterly corner of the municipal pier at the Flushing Bay Boat Basin toward the stack (latitude 40°45′54″, longitude 73°50′29″) of the New York City Asphalt Plant.

(m-1) *Flushing Bay, southwest area.* That portion of East River Anchorage No. 10 (described in § 110.155) southwest of the breakwater, projecting offshore and southeast of La Guardia Airport; southerly of a line extending from the offshore end of the breakwater at latitude 40°45′53″, longitude 73°51′06″ to Flushing Bay Light 12 on the southerly end of the dike; westerly of a line extending from Flushing Bay Light 12 to a point at latitude 40°45′48″, longitude 73°51′00″; northwesterly of a line ranging 229° from the point at latitude 40°45′48″, longitude 73°51′00″ to the shore.

(m-2) *Flushing Bay, west area.* That portion of East River Anchorage No. 10 (described in § 110.155) adjacent to the northeasterly side of La Guardia Airport, easterly of a line ranging 39° from the control tower at La Guardia Airport to College Point Reef Light, southward of a line extending due west from the tank on the north side of the foot of 15th Avenue, College Point, westward of a line parallel to, and 100 feet west of the west channel line in Flushing Bay and northerly of a line extending due west from Flushing Bay Light 8 on the north end of the dike.

NOTE: The anchoring of vessels and placing of temporary moorings in anchorage areas described in paragraphs (m) and (m-1) of this section will be under the jurisdiction, and at the discretion of the local Harbor Master appointed by the City of New York.

(n) *Bowery Bay.* All of that portion of East River Anchorage No. 10 (described in § 110.155) on the west side of Bowery Bay.

(o) *Hudson River, at Yonkers.* Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station; eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood powerhouse of the Yonkers Electric Light and Power Company; and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club.

(o-1) *Hudson River, at Glenwood, Yonkers, New York.* That portion of the waters of the easterly side of Hudson River and adjacent to the northerly limits of the City of Yonkers, New York, northward of the northerly face of an outfall sewer pipe which is 2,200 feet north of the Glenwood powerhouse; east of a line on range with the northwest corner of the powerhouse bulkhead and the westerly end of the outfall sewer pipe; and southward of a line ranging 110° true to the first New York Central Railroad Company's signal bridge, north of the Yonkers Corinthian Yacht Club house.

(o-2) *Hudson River, at Nyack.* That portion of the waters north of a line ranging 270° from latitude 41°05′35.1″, longitude 73°54′27″, to the shoreline; west of a line connecting latitude 41°05′35.1″, longitude 73°54′27″, and latitude 41°06′06.3″, longitude 73°54′27″; and south of a line ranging 270° from latitude 41°06′06.3″, longitude 73°54′27″ to the shoreline.

NOTE: The area is principally for use by yachts and other recreational craft. A mooring buoy is permitted.

(p) *Hudson River, at Hastings-on-Hudson.* That portion of the waters northerly of a line extending from a point at latitude 40°59′56.0″, longitude 73°53′11.3″ to the shore at latitude 40°59′55.7″; easterly of lines extending from the aforementioned point at latitude 40°59′56.0″, longitude 73°53′11.3″ through a point at latitude 41°00′04.6″, longitude 73°53′10.9″ to a point at latitude 41°00′14.6″, longitude 73°53′08.2″; and southerly of a line extending from the last mentioned point to the shore at latitude 41°00′14.2″.

(p-1) *Hudson River, at West Point.* That portion of the waters of the westerly side of the Hudson River, adjacent to the United States Military Academy, shoreward of a line connecting the extreme northwest corner of the south dock with a projection of land located approximately 1,575 feet north thereof.

(p-2) *Hudson River, at Hyde Park, N.Y.* Beginning at a point on the shoreline at latitude 41°49′06.5″ N., longitude 73°56′35.3″ W.; thence west to a point at latitude 41°49′06.5″ N., longitude 73°56′42.5″ W.; thence north-northeasterly to a point at latitude 41°49′12.5″ N., longitude 73°56′40.7″ W.; thence due east to a point on the shoreline at latitude 41°49′12.5″ N., longitude 73°56′37.7″ W.; thence along the shoreline to the point of beginning.

(q) *Newark Bay, southeast area.* That portion of the waters on the southeasterly side of Newark Bay, north of a line ranging from the offshore end of the breakwater north of the former Elco Boat Works through Newark Bay Channel Buoy 6; east of a line ranging from a point 200 yards east of the east pier of the lift span of the Central Railroad Company of New Jersey bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of a line ranging from the southwest corner of the bulkhead at Bayonne City Park through Newark Bay Channel Buoy 11.

NOTE: This special anchorage is within the limits of General Anchorage No. 37, described in § 110.155(h)(4).

(r) *Newark Bay, southwest area.* That portion of the waters on the southwesterly side of Newark Bay, north of a line ranging from Kill Van Kull Light 16 through Kill Van Kull Light 18 and Kill Van Kull Channel Buoy 20, northeast of a line through Kill Van Kull Channel Buoy 20 perpendicular to the Singer Manufacturing Company's bulkhead, and southeast of a line 150 feet east of and parallel to the Singer Manufacturing Company's bulkhead, and south of a line 250 feet south of and parallel to the Central Railroad Company of New Jersey bridge and west of a line perpendicular to the dike at Kill Van Kull Light 16, excluding therefrom the "Pipe Line Area."

NOTE: The greater portion of this special anchorage is within the limits of General Anchorage No. 34, described in § 110.155(h)(1).

(r-1) *Great Kills Harbor.* Beginning at a point on the shoreline at latitude 40°32′05.6″, longitude 74°08′24.2″; thence to latitude 40°32′06.7″, longitude 74°08′27.6″; thence to latitude 40°32′19″, longitude 74°08′23.1″; thence to latitude 40°32′27.8″, longitude 74°08′25.9″; thence to latitude 40°32′40.2″, longitude 74°08′10.5″; thence to latitude 40°32′44.2″; longitude 74°08′12.9″; thence along the northern and eastern shoreline to the point of beginning.

NOTE: The special anchorage area is principally for use by yachts and other recreational craft. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited. Vessels shall be anchored so that no part of the vessel comes within 50 feet of the marked channel. No vessel shall be anchored in such a manner as to interfere with the use of a mooring buoy authorized to be placed by the Captain of the Port, New York. No mooring buoy shall be placed in this special anchorage area except as authorized by the Captain of the Port, New York. The Captain of the Port regulations in § 110.155(l)(7) apply.

This special anchorage area is within the limits of General Anchorage No. 28 described in § 110.155(f)(3).

(s) *Jamaica Bay.* That portion of the waters on the westerly side of Jamaica Bay, westerly of a line ranging from Island Channel Buoy 21 through Island Channel Buoy 23, northward of a line ranging from Island Channel Buoy 21 to the north abutment of the Shore Parkway Bridge across Paerdegat Basin, and southward of a line ranging 310° from Island Channel Buoy 23.

(s-1) *Jamaica Bay, south area.* That portion of Broad Channel westerly of a line bearing 190°30′ from the northerly terminus of the New York City Transit Authority trestle across Broad Channel to latitude 40°35′50″, longitude 73°49′06″, and thence northerly of a line bearing 254° to the shore.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. The Captain of the Port of New York is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy. The Captain of the Port, New York regulations in § 110.155(l)(7) apply.

(t) *Cold Spring Harbor.* That portion of the waters of Cold Spring Harbor easterly of a line ranging from the cupola in the extreme inner harbor through Cold Spring Harbor Light; southerly of a line ranging from the southernmost point of an L-shaped pier off Wawepex Grove through the Clock Tower at Laurelton and northerly of a line ranging from the outer end of the Socony Mobil Oil Company's pier at Cold Spring Harbor through the Clock Tower at Laurelton, with the exception of an area within a 300-foot radius of the outer end of the Socony Mobil Oil Company's pier.

(u) *Oyster Bay Harbor, New York.* That portion of Oyster Bay Harbor adjacent to the easterly side of Centre Island, westerly of a line on range with Cold Spring Harbor Light and the Stone House on the end of Plum Point, Centre Island.

(u-1) *Hempstead Harbor, New York.* That portion of the waters of Hempstead Harbor southerly of the Glen Cove Breakwater, northerly of a line ranging from "Dome" at Sea Cliff through Hempstead Harbor Buoy 9, and easterly of a line ranging from Glen Cove Breakwater Light through Hempstead Harbor Anchorage Buoys "A" and "B" and Hempstead Harbor Buoy 9, except for the entrance to Glen Cove Creek as defined by Hempstead Harbor Anchorage Buoy "A" and Glen Cove Entrance Buoy 1 on the north side of the entrance, and Hempstead Harbor Anchorage Buoy

"B" the Glen Cove Entrance Buoy 2 on the south side of the entrance.

(u-2) *Harbor of Oyster Bay, Oyster Bay, New York.* The water area north of the town of Oyster Bay enclosed by a line beginning on the shoreline at latitude 40°52′35.5″ N., longitude 73°32′17″ W.; thence to latitude 40°52′59.5″ N., longitude 73°32′18″ W.; thence to latitude 40°53′00″ N., longitude 73°30′53″ W.; thence to latitude 40°52′39″ N., longitude 73°30′54″ W.; thence to the shoreline at latitude 40°52′25″ N., longitude 73°31′18″ W.; thence following the shoreline to the point of beginning.

(v) *Hudson River, at Coeymans, New York.* That portion of the waters of the westerly side of Hudson River, west of Coeymans Middle Dike, north of a line bearing due west from a point 700 feet south of Upper Hudson River Light No. 43, and south of a line bearing due west from Upper Hudson River Light No. 45, except for an area 125 feet wide, adjacent to and east of the bulkhead fronting the Village of Coeymans and Barren Island Dike.

(w) *Hudson River, at Cedar Hill, New York.* That portion of the westerly side of the Hudson River, adjacent to Cedar Hill Dike, 250 feet in width, bounded on the south by the northerly side of the cut in the dike at the junction of the Vloman Kill and the Hudson River, and extending northerly therefrom 1,600 feet.

(x) *Sheepshead Bay*—(1) *Western Area.* South of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; east of a line 200 feet east of and parallel to the prolonged west line of East 15th Street; north of a line 75 feet north of and parallel to the bulkhead wall along the north side of Shore Boulevard between Amherst Street and Dover Street and as prolonged to a point 315 feet south of the bulkhead wall along the south side of Emmons Avenue and 25 feet west of the prolonged west side of Ocean Avenue; and west of a line parallel to and 25 feet west of the prolonged west line of Ocean Avenue.

(2) *Northern Area.* South of the established U.S. pierhead line on the north side of the bay; west of the prolonged west line of Coyle Street; north of a line ranging from a point 90 feet south of said pierhead line in said prolonged west line of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point on the prolonged east line of East 27th Street and 245 feet south of the established U.S. pierhead line on the north side of the bay; and east of the prolonged east side of East 27th Street.

(3) *Southern Area.* South of a line extending from a point 175 feet northerly of the bulkhead wall along the north side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street to a point on the prolonged east side of Mackenzie Street 125 feet north of the bulkhead wall on the north side of Shore Boulevard; thence south of a line parallel to and 125 feet northerly of the bulkhead wall along the north side of Shore Boulevard from the last-mentioned point to the prolonged west line of Coyle Street; north of a line parallel to and 25 feet north of the bulkhead wall along the north side of Shore Boulevard; and east of the prolonged west side of Hastings Street.

(4) *Captain of the Port Regulations.* In Sheepshead Bay, N.Y., Western, Northern and Southern Special Anchorage Areas, the Captain of the Port—New York mooring regulations in § 110.155(l)(7) apply with the following modifications:

(i) Two anchors shall be used. The anchor minimum weight and minimum chain size shall be as shown in table 110.60(x)(4) and the anchor shall be placed as shown in figure 110.60(x)(4).

(ii) A Sheepshead Bay, N.Y., mooring position is designated by the encircled number from the Coast Guard mooring chart, and the distance from the nearest range number, and the distance from the nearest bulkhead line. (Example: circle 2-W in Western Area 50 East of Range No. 20, 40′ South of bulkhead line.)

(iii) The area is principally for vessels used for a recreational purpose.

*Table 110.60(x)(4)*

| Vessel length, in feet | Anchor weight, in pounds per anchor | Chain size, in inches |
|---|---|---|
| 15 or less | 100 | [illegible] |
| Greater than 15 but not greater than 21 | 150 | [illegible] |
| Greater than 21 but not greater than 26 | 200 | [illegible] |
| Greater than 26 | 10 per foot of vessel length | [illegible] for each anchor whose weight is not greater than 400 lbs., [illegible] for each anchor whose weight is greater than 400 lbs. |

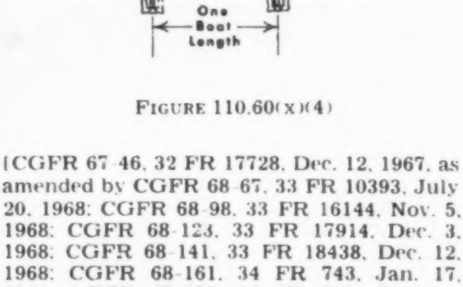

FIGURE 110.60(x)(4)

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-67, 33 FR 10393, July 20, 1968; CGFR 68-98, 33 FR 16144, Nov. 5, 1968; CGFR 68-123, 33 FR 17914, Dec. 3, 1968; CGFR 68-141, 33 FR 18438, Dec. 12, 1968; CGFR 68-161, 34 FR 743, Jan. 17, 1969; CGFR 68-158, 34 FR 838, Jan. 18, 1969; CGFR 69-16, 34 FR 5989, Apr. 2, 1969; CGFR 69-40, 34 FR 7146, May 1, 1969; CGFR 69-114, 34 FR 18088, Nov. 8, 1969; CGFR 69-120, 34 FR 18303, Nov. 15, 1969; CGFR 70-112A, 35 FR 19352, Dec. 22, 1970; CGD 73-126R, 38 FR 30000, Dec. 5, 1973]

### § 110.65 Indian River Bay, Del.

Beginning at a point bearing 174°, 300 feet, from a point on the southerly edge of the project channel 5,500 feet westerly from the State highway bridge across Indian River Inlet; thence 174°, 600 feet; thence 264°, 800 feet; thence 354°, 600 feet; and thence 84°, 800 feet, to the point of beginning.

### § 110.67 Delaware River, Essington, Pa.

North of Little Tinicum Island, between the mouth of Darby Creek and Jansen Avenue, Essington, bounded as follows: Beginning at a point (approximately latitude 39°51′31″, longitude 75°17′43″) on a line in prolongation of the westerly line of Jansen Avenue 135 yards southerly from the mean high water line; thence 184°, 300 yards; thence 274°30′, 1,700 yards; thence 04°, 425 yards; thence 100°, 1,225 yards; and thence 95°, 490 yards, to the point of beginning.

### § 110.70 Chesapeake and Delaware Canal, easterly of Courthouse Point, Md.

The waters southerly of a line joining the northernmost extremity of Courthouse Point and the westernmost point of Herring Island; westerly of a line bearing 180° from a point on the aforesaid line 220 yards from the westernmost point of Herring Island; and northerly and easterly of the shoreline.

### § 110.70a Northeast River, North East, Md.

The water area west of North East Heights, Maryland enclosed by a line beginning on the shoreline at latitude 39°34′26″ N., longitude 75°57′18″ W.; thence westerly to latitude 39°34′26″ N., longitude 75°57′29″ W.; thence northeasterly to latitude 39°34′30″ N., longitude 75°57′27″ W.; thence easterly to the shoreline at latitude 39°34′30″ N., longitude 75°57′18″ W.; thence southerly following the shoreline to the point of beginning.

[CGD 73-189R, 39 FR 5314, Feb. 12, 1974]

### § 110.71 Jacobs Nose Cove, Elk River, Md.

The water area of Jacobs Nose Cove, on the west side of the mouth of Elk River, Maryland, comprising the entire cove south of Jacobs Nose as defined by the shoreline and a line bearing 046°—226° true across the entrance of the cove tangent to the shore on both the north and south sides.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); Sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)), 49 CFR 1.46(c)(2))

[CGD 77-143, 44 FR 18663, Mar. 29, 1979]

### § 110.71a Cabin Creek, Grasonville, Md.

The waters of Cabin Creek, Maryland, enclosed by a line drawn from latitude 38°56′34″N., longitude 76°12′49″W., on the western shore to latitude 38°56′28″N., longitude 76°12′29″W., on the eastern shore; thence following the general line of the shore to the point of beginning.

(Sec. 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)), 49 CFR 1.46(c)(2))

[CGD 78-026, 44 FR 6910, Feb. 5, 1979]

### § 110.71b Wye River, Wye, Md.

The waters of a cove on the western shore of Wye River opposite Drum Point enclosed by a line drawn from latitude 38°53′17″N., longitude 76°11′23″W., to latitude 38°53′18″N., longitude 76°11′23″W., to latitude 38°53′18″N., longitude 76°11′13″W.; thence following the shoreline to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)), 49 CFR 1.46(c)(2))

[CGD 78-026, 44 FR 6910, Feb. 5, 1979]

### § 110.72 Blackhole Creek, Md.

The waters on the west side of Blackhole Creek, a tributary of Magothy River, southwest of a line bearing 310°30′ from the most northerly tip of an unnamed island located 0.16 mile upstream from the mouth of the creek approximately 660 feet to the west shore of the creek; northwest of a line ranging from the southwesterly tip of the island toward the point of land on the west shore of the creek immediately southwest thereof; and north of a line 100 feet from and parallel to the shore of the creek to its intersection with the south property line extended of the Potapskut Sailing Association, Inc., thence northwesterly along the said property line extended to the shore.

### § 110.72a Chester River, southeast of Chestertown, Md.

The waters of the Chester River enclosed by a line beginning at a point on the Rolph Marina pier at latitude 39°10′25″ N., longitude 76°02′17″ W.; thence 327° to a point 400 feet southwest of the entrance to Hambleton Creek at latitude 39°10′55″ N., longitude 76°02′40″ W.; thence northeasterly to the eastern side of the entrance to Hambleton Creek; thence southerly following the shoreline to the Rolph Point Marina pier; thence southwesterly along the Rolph Point Marina pier to the point of beginning.

[CGD 73-10R, 38 FR 33973, Dec. 10, 1973]

### § 110.72b St. Simons Island, Georgia.

The area beginning at a point southwest of Frederica River Bridge, St. Simons Island Causeway at latitude 31°09′58″ N., longitude 81°24′55″ W.; thence southwesterly to latitude 31°09′42″ N., longitude 81°25′10″ W.; thence westerly to the shoreline at latitude 31°09′45″ N., longitude 81°25′20″ W.; thence northeasterly along the shoreline to latitude 31°10′02″ N., longitude 81°25′00″ W.; thence southeasterly to the point of origin.

(Sec. 1 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 76-47, 42 FR 40694, Aug. 11, 1977]

### § 110.72c Lake Murray, S.C.

(a) The area beginning at the 125 foot pier of the Columbia Sailing Club, approximately latitude 34°03′51″ N., longitude 81°13′37″ W.; thence 167° to latitude 34°03′43.6″ N., longitude 81°13′39.2″ W.; thence easterly to latitude 34°03'45" N., longitude 81°13'32.1" W.; thence 347° to the shoreline, thence along the shoreline to the beginning.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46 (c)(2))

[CGD 77-189, 43 FR 14470, Apr. 6, 1978]

### § 110.73 St. Johns River, Fla.

(a) *Area A.* The waters lying within an area bounded by a line beginning at a point located at the west bank of St. Johns River at latitude 30°15'11", longitude 81°41'23"; thence to latitude 30°15'13", longitude 81°41'14"; thence to latitude 30°15'03", longitude 81°41'11"; thence to latitude 30°15'04", longitude 81°41'20"; and thence to the point of beginning.

(b) *Area B.* The waters lying within an area bounded by a line beginning at latitude 30°15'03", longitude 81°41'28"; thence to latitude 30°15'02", longitude 81°41'10"; thence to latitude 30°14'56", longitude 81°41'08"; thence to latitude 30°14'54.5", longitude 81°41'10.5"; and thence to the point of beginning.

### § 110.73a Indian River at Sebastian, Fla.

Beginning at a point on the shoreline at latitude 27°49'40" N., longitude 80°28'26" W.; thence 060° to latitude 27°49'46" N., longitude 80°28'13" W.; thence 156° to latitude 27°49'31" N., longitude 80°28'05" W.; thence 242° to latitude 27°49'25" N., longitude 80°28'18" W.; thence northerly along the shoreline to the point of beginning.

NOTE: This area is principally for use by commercial fishing vessels less than 65 feet in length.

[CGD 74-104, 40 FR 2689, Jan. 15, 1975]

### § 110.74 Marco Island, Marco River, Fla.

Beginning at a point approximately 300 feet east of the Captains Landing Docks at latitude 25°58'04" N., longitude 81°43'31" W.; thence 108°, 450 feet; thence 198°, 900 feet; thence 288°, 450 feet; thence 018°, 900 feet to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area.

[CGFR 70-53A, 35 FR 14506, Sept. 16, 1970]

### § 110.74a Manatee River, Bradenton, Fla.

The waters of the Manatee River enclosed by a line beginning at latitude 27°31'18.6" N. longitude 82°36'49.2" W.; thence westerly to latitude 27°31'21" N., longitude 82°37'7.2" W.; thence northwesterly to latitude 27°31'22.2" N., longitude 82°37'8.4" W.; thence northeasterly to latitude 27°31'25.8" N., longitude 82°37'00" W.; thence easterly to latitude 27°31'24" N., longitude 82°36'44.4" W.; thence to the point of beginning.

(Sec. 1, 30 Stat. 98 as amended, (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 79-118, 45 FR 32673, May 19, 1980]

### § 110.75 Corpus Christi Bay, Tex.

(a) *South area.* Southward of the southernmost T-head pier at the foot of Cooper Avenue and of a line bearing 156°44', 340.6 feet, from the southerly corner of said pier to a point on the rubble breakwater; westward and northward of said breakwater; and eastward of the Corpus Christi sea wall.

### § 110.77 Amistad Reservoir, Tex.

(a) *Diablo East, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot-wide fairway extending northerly from the launching ramp as established by the Superintendent of Amistad Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 29°28'54" N | 101°01'10" W |
| "b" 29°28'21" N | 101°01'08" W |
| "c" 29°28'34" N | 101°00'32" W |
| "d" 29°28'54" N | 101°00'32" W |

(b) *Rough Canyon, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot-wide fairway extending westerly from the launching ramp to the Devils River main channel as established by the Superintendent of Amistad Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 29°34'43" N | 100°58'54" W |
| "b" 29°34'05" N | 100°58'46" W |
| "c" 29°34'16" N | 100°58'20" W |
| "d" 29°34'27" N | 100°58'11" W |
| "e" 29°34'27" N | 100°58'36" W |
| "f" 29°34'52" N | 100°58'35" W |

(c) *Laughlin Air Force Base Site, Tex.* That portion of Amistad Reservoir enclosed by a line connecting the following points:

| Latitude | Longitude |
|---|---|
| "a" 29°28'29" N | 101°02'26" W |
| "b" 29°28'13" N | 101°02'03" W |
| "c" 29°28'30" N | 101°01'45" W |
| "d" 29°28'42" N | 101°02'00" W |

NOTE: The areas will be principally for use by yachts and other recreational craft. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Amistad Recreation Area.

[CGFR 70-12, 35 FR 3807, Feb. 27, 1970]

### § 110.77a Duluth-Superior Harbor, Duluth, Minn.

The area adjacent to Park Point in Duluth-Superior Harbor within the following boundaries: beginning at latitude 46°45'19.3"N., longitude 92°04'43"W.; thence to latitude 46°45'11.7"N., longitude 92°05'01"W.; thence to latitude 46°44'21.2"N., longitude 92°04'15.7"W.; thence to latitude 46°44'29.4"N., longitude 92°03'57.5"W.; thence to the point of beginning.

(Sec. 1, 28 Stat. 647, as amended, (33 U.S.C. 258); sec. 6(g)(1)(C) 80 Stat. 937, (49 U.S.C. 1655 (g)(1)(C)); 49 CFR 1.46 (c)(3))

[CGD 79-170, 45 FR 32673, May 19, 1980]

### § 110.78 Sturgeon Bay, Sturgeon Bay, Wis.

(a) *Area 1.* Beginning at a point bearing 126°, 3,000 feet from the fixed green Sturgeon Bay Canal Leading Light mounted on the highway bridge; thence 120°, 1,200 feet, this line being parallel to and 150 feet from the channel edge; thence 222°, 500 feet; thence 300°, 1,200 feet; thence 042°, 500 feet to the point of beginning.

(b) *Area 2.* Beginning at a point 160 feet from the shoreline and on the east line of 15th Avenue extended; thence south 530 feet to a point 100 feet from the northern edge of the channel; thence southeasterly 2,350 feet along a line parallel to the northern edge of the channel to a point on the east line of 18th Avenue extended, using that portion of 18th Avenue that runs in a true north-south direction perpendicular to Utah Street; thence north 530 feet along this line of 18th Avenue extended to a point approximately 400 feet from the shoreline; thence northwesterly 2,350 feet along a line parallel to the northern edge of the channel to the point of beginning.

[CGFR 70-15A, 35 FR 8823, June 6, 1970, as amended by CGFR 70-86A, 35 FR 18374, Dec. 3, 1970]

### § 110.79 Port Washington Harbor, Port Washington, Wis.

The area in the northerly end of the outer basin of Port Washington Harbor, commencing at the shoreward face of the north breakwater, 1,076.4 feet northwest of the lakeward end; thence on a bearing 277°42'27", 1,220 feet more or less to the shoreline; thence north and northeast approximately 970 feet to the intersection with the shore end of the north breakwater; thence lakeward approximately 1,100 feet along the shoreward face of the north breakwater to the point of beginning.

NOTE: This area is principally for use by yachts and other recreational craft. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the Port Washington Harbor Commission.

[CGFR 68-140, 33 FR 18669, Dec. 18, 1968]

### § 110.79a Neenah Harbor, Neenah, Wis.

The area of Neenah Harbor south of the main shipping channel within the following boundary: A line beginning at a point bearing 117.5°, 1,050 feet from the point where the southeasterly side of the First Street/Oak Street Bridge crosses the south shoreline of the river; thence 254°, 162 feet; thence 146°, 462 feet; 164°, 138 feet; 123°, 367 feet; 068°, 400 feet; 044°, 400 feet; thence 320°, 107 feet; thence 283°, 1,054 feet to the point of beginning.

NOTE: An ordinance of the city of Neenah, Wis., requires approval of the Neenah Police Department for the location and type of individual moorings placed in this special anchorage area.

(Sec. 6(g)(1)(C), 80 Stat. 937; 49 U.S.C. 1655(g)(1)(C); 49 CFR 1.46(c)(3))

[CGD 72-11CR, 37 FR 14694, July 22, 1972; 37 FR 15304, July 29, 1972]

### § 110.80 Milwaukee Harbor, Milwaukee, Wis.

(a) *McKinley Park.* The water area east of McKinley Park enclosed by a line beginning at McKinley Park Jetty Light; thence 090°, 500 feet to a point on the breakwater; thence northerly and northwesterly following the breakwater, piers, jetty and natural shoreline to the point of beginning.

(b) *South Shore Park.* The water area northeast of South Shore Park enclosed by a line beginning at the northeast corner of the jetty at latitude 43°00′07.5″ N., longitude 87°53′08″ W.; thence to latitude 43°00′05″ N., longitude 87°53′01″ W.; thence to latitude 42°59′55″ N., longitude 87°52′53″ W.; thence to latitude 42°59′40″ N., longitude 87°52′33.5″ W.; thence to a point of the shoreline at latitude 42°59′34″ N., longitude 87°52′43.5″ W.; thence following the shoreline to the point of beginning.

(c) *Bay View Park.* The water area east of Bay View Park enclosed by a line beginning on the shoreline at latitude 42°59′28.5″ N., longitude 87°52′35″ W.; thence to latitude 42°59′35.5″ N., longitude 87°52′27″ W.; thence to latitude 42°59′08″ N., longitude 87°51′37″ W.; thence to a point on the shoreline at latitude 42°58′59″ N., longitude 87°51′46″ W.; thence following the shoreline to the point of beginning.

NOTE: An ordinance of the City of Milwaukee, Wisconsin requires the approval of the Milwaukee Harbor Master for the location and type of moorings placed in these special anchorage areas.

(Rule 9, 28 Stat. 647, as amended, (33 U.S.C. 258); sec. 6(g)(1)(C), 80 Stat. 937, (49 U.S.C. 1655(g)(1)(C)); 49 CFR 1.46(c)(3))

[CGD 73-48R, 39 FR 12007, Apr. 2, 1974]

### § 110.80a Lake Macatawa, Mich.

An area located on the south side of Lake Macatawa near the entrance to Lake Michigan, shoreward (south) of a line commencing offshore of Macatawa Park at a point 960 feet S 156° E from the light on the south pier at the entrance to the Lake, and extending 1,550 feet N 82° E toward the northwest corner of the Macatawa Bay Yacht Club pier.

### § 110.80b Marquette Harbor, Marquette, Mich.

The area within Marquette Harbor beginning at latitude 46°32′38″N., longitude 87°22′46″W.; thence to latitude 46°32′37″N., longitude 87°22′54″W.; thence to latitude 46°32′33″N., longitude 87°22′54″W.; thence to latitude 46°32′33″N., longitude 87°22′46″W., thence to point of origin.

NOTE: An ordinance of the City of Marquette authorizes the Harbormaster to direct the location and length of time any watercraft may anchor in this area.

(Rule 9, 28 Stat. 647, as amended, (33 U.S.C. 258); sec. 6(g)(1)(C), 80 Stat. 937, (49 U.S.C. 1655(g)(1)(C)); 49 CFR 1.46(c)(3))

[CGD 79-018, 44 FR 50040, Aug. 27, 1979]

### § 110.81 Muskegon Harbor, Mich.

The waters on the southwest side of Muskegon Lake shoreward of a line beginning at the intersection of the north line of Arlington Avenue and the east line of Edgewater Street, and bearing thence 145°, 2,110 feet, and thence 230° to the shore.

### § 110.82 Charlevoix Harbor, Mich.

The waters on the north side of Round Lake northward of a line beginning at a point approximately 200 feet south of the north shore bearing 60°, 280 feet, from the northeast corner of the Charlevoix Municipal Wharf, and bearing thence 92°, 400 feet, thence 129°, 1,160 feet, and thence 110° to the westerly end of the southwest side of Park Island.

### § 110.83 Chicago Harbor, Ill.

(a) *Grant Park North.* Beginning at a point 2,700 feet south of the south face of the Naval Armory Dock and 100 feet east of the Grant Park bulkhead along the west side of the harbor, said bulkhead at that point being approximately on the harbor line approved by the Department of the Army on August 3, 1940; thence north along a straight line parallel to said harbor line and to the overall alinement of said Grant Park bulkhead between its north and south ends, 1,460 feet to a point that is 100 feet east of said harbor line and 150 feet east of the Grant Park bulkhead; thence east at a right angle, 150 feet; thence north at a right angle, parallel to the first described line, passing 100 feet east of the Chicago Yacht Club dock, 693 feet; thence east at a right angle, 75 feet; thence north parallel to and 375 feet east of aforesaid Grant Park bulkhead, 390 feet; thence east at a right angle, 385 feet; thence north at a right angle 97 feet to a point 760 feet east of said Grant Park bulkhead (or 710 feet east of said harbor line) and 60 feet south of a line drawn east at a right angle thereto, from the north end of said Grant Park bulkhead at the south face of said Naval Armory Dock; thence east perpendicular to said Grant Park bulkhead, 840 feet; thence southerly 2,415 feet to a point 1,500 feet east of said harbor line and about 1,505 feet east of said Grant Park bulkhead; thence southwesterly 740 feet to a point 700 feet due east, in a direction perpendicular to the west line hereof, from the point of beginning; and thence west to the point of beginning.

(b) *Grant Park South.* Beginning at a point 3,000 feet south of the south face of the Naval Armory Dock and 100 feet east of the Grant Park bulkhead along the west side of the harbor, said bulkhead at that point being approximately on the harbor line approved by the Department of the Army on August 3, 1940; thence east, perpendicular to the overall alinement of the Grant Park bulkhead and perpendicular to said harbor line, 700 feet; thence southeasterly 697 feet to a point 1,460 feet east of said Grant Park bulkhead and 225 feet south of an extension of the first described line; thence south perpendicular to the first described line, 225 feet; thence southwesterly 2,235 feet along a line generally 150 feet northwesterly from and parallel to the northwesterly face of the narrow section of the U.S. Inner Breakwater; thence northwesterly 190 feet to a point 150 feet east of said Grant Park bulkhead (or 100 feet east of the aforesaid harbor line) and 5,140 feet south of the south face of the Naval Armory Dock; and thence north 2,140 feet to the point of beginning.

NOTE: The Chicago Park District controls the location and type of any moorings placed in the special anchorage areas in this section.

[CGFR 70-65a, 36 FR 7966, Apr. 28, 1971]

### § 110.83a Cedar Point, Sandusky, Ohio.

The water area enclosed by the break wall beginning at latitude 41°28′13″ N., longitude 82°40′39″ W.; thence along the break wall to latitude 41°28′21″N., longitude 82°40′53″W.; thence along a straight line southwesterly to latitude 41°28′20″N., longitude 82°40′55″W.; thence along the break wall to latitude 41°28′33″N., longitude 82°40′58″W.; thence along the shoreline to the point of beginning.

(Sec. 1, 28 Stat. 647, as amended, (33 U.S.C. 258); sec. 6(g)(1)(C), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(C)); 49 CFR 1.46(c)(3))

[CGD 79-169, 45 FR 32674, May 19, 1980]

### § 110.84 Black Rock Channel opposite foot of Porter Avenue, Buffalo, N.Y.

An area extending northwesterly between Black Rock Channel and Bird Island Pier opposite the foot of Porter Avenue, bounded as follows: Beginning at Triangulation Marker "N-5" on Bird Island Pier; thence southeasterly along the pier a distance of approximately 745 feet; thence 60°52′ true, approximately 300 feet to a point 50 feet westerly of the westerly limit of Black Rock Channel; thence northwesterly along an arc of a circle parallel to and 50 feet westerly of the westerly limit of the channel to a point approximately 360 feet southerly of Bird Island Pier Light No. 17; thence 276°20′ true, approximately 135 feet to Bird Island Pier; thence southwesterly and southerly along the pier a distance of approximately 1,355 feet to the point of beginning.

### § 110.84a Put-In-Bay, Ohio.

The area in Put-In-Bay, Ohio commencing at a point 283° true 450 feet from Put-In-Bay Dock Light; thence 008°, 850 feet; thence 254°, 900 feet; thence 193°, 400 feet; thence 126°, 420 feet; thence 085°, 500 feet to the point of origin. The area is further divided into two areas. Area I lies east of and Area II lies west of the line commencing at the southwest corner adjacent to Put-In-Bay Buoy 4 running 013° to the mid-point of the northern boundary.

NOTE: Area I is for boats anchoring using their own anchoring gear excluding mooring buoys; Area II is for boats using their own anchoring gear and boats moored to authorized mooring buoys. Authorization for placement of mooring buoys in Area II is required from the District Engineer, U.S. Army Corps of Engineers, Box 1027, Detroit, Michigan.

(Sec. 1, 30 Stat. 98; as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 76-103, 42 FR 36254, July 14, 1977]

### § 110.84b Buffalo, N.Y.

The area within the Port of Buffalo known as Port of Buffalo Small Boat Harbor commencing at a point on shore at latitude 42°51′05″ N., longitude 78°51′55″ W.; thence 240° to riprap dike thence following the dike to the shoreline; thence along the shoreline to the point of origin.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 77-47, 43 FR 35480, Aug. 10, 1978; 43 FR 56040, Nov. 30, 1978]

### § 110.85 Niagara River, Youngstown, N.Y.

(a) *Area 1.* Beginning at a point at the intersection of the south line of Swain Street extended with the east shoreline of the Niagara River at latitude 43°14′33″N., longitude 79°03′7.5″W.; thence westerly to a point at latitude 43°14′33″N., longitude 79°03′15″W.; thence northerly to a point at latitude 43°14′54.5″ N., longitude 79°03′14″ W.; thence southeasterly to a point at latitude 43°14′52.3″N., longitude 79°03′09″W.; thence southerly to a point at latitude 43°14′51.4″N., longitude 79°03′09″W.; thence easterly to a point at latitude 43°14′51.5″N., longitude 79°03′6.5″W.; thence along the shoreline to the point of beginning.

(b) *Area 2.* Beginning at a point at latitude 43°14′53.2″N., longitude 79°03′08″W.; thence northwesterly to a point at latitude 43°14′56″N., longitude 79°03′14″W.; thence northerly to a point at latitude 43°15′07″N., longitude 79°03′13″W.; thence northwesterly to a point at latitude 43°15′9.5″N., longitude 79°03′13.5″W.; thence southeasterly to a point at latitude 43°15′7.5″N., longitude 79°03′08″W.; thence southerly to the point of beginning.

(c) *Area 3.* Beginning at a point at latitude 43°15′7.9″N., longitude 79°03′03″W.; thence westerly to a point at latitude 43°15′7.9″N., longitude 79°03′04″W.; thence northwesterly to a point at latitude 43°15′11.8″N., longitude 79°03′14″W.; thence northerly to a point at latitude 43°15′14″N., longitude 79°03′14″W.; thence northwesterly to a point at latitude 43°15′22″N., longitude 79°03′21.5″W.; thence northeasterly to a point at latitude 43°15′25.5″N., longitude 79°03′13″W.; thence along the shoreline to the point of beginning.

(Sec 1, 28 Stat. 647 as amended, (33 U.S.C. 258), sec. 6(g)(1)(C), 80 Stat. 937 (49 U.S.C. 1655 (g)(1)(C)); 49 CFR 1.46 (c)(3))

[CGD 79-098, 45 FR 32674, May 19, 1980]

### § 110.86 Sodus Bay, N.Y.

The water area in Sodus Bay, New York, south of Sand Point beginning at a point on the shoreline at latitude 43°16′07″ N., longitude 76°58′47″ W.; thence southwesterly to latitude 43°15′55″ N., longitude 76°59′00″ W.; thence easterly to latitude 43°15′52″ N., longitude 76°58′34″ W.; thence northerly to a point on the shoreline at latitude 43°15′58″ N., longitude 76°58′34″ W.; thence along the natural shoreline and structures to the point of beginning.

NOTE: An ordinance of Wayne County, New York, requires the permission of the Wayne County Sheriff before any vessel is moored or anchored in this special anchorage area.

[CGD 73-84R, 39 FR 24362, July 2, 1974]

### § 110.87 Henderson Harbor, N.Y.

(a) *Area A.* The area in the southern portion of Henderson Harbor west of the Henderson Harbor Yacht Club bounded by a line beginning at the point of land, approximately 150 feet west of the Graham Creek Range Rear Light; thence 180°, 50 feet; thence 275°, 810 feet; thence 000°, 1,500 feet; thence 090°, 700 feet; thence 177°, 1,250 feet to the point of land approximately 160 feet west of the Graham Creek Range Forward Light; thence along the shoreline to the point of beginning.

(b) *Area B.* The area in the southern portion of Henderson Harbor north of Graham Creek Entrance Light bounded by a line beginning at a point 000°, 1,000 feet from Graham Creek Entrance Light; thence 357°, 1,200 feet; thence 090°, 400 feet; thence 172°, 1,200 feet; 090°, 500 feet; thence 177°, 1,200 feet; thence 270°, 500 feet to the point of beginning.

NOTE: Permission must be obtained from the Town of Henderson Harbormaster before any vessel is moored or anchored in this special anchorage area.

(Sec. 1, 28 Stat. 647, as amended (33 U.S.C. 258); sec. 6(g)(1)(C), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(C)); 49 CFR 1.46(c)(3); 5 U.S.C. 553(b)(3)(B))

[CGD 74-6R, 39 FR 15271, May 2, 1974, as amended by CGD 74-195, 40 FR 51637, Nov. 6, 1975; CGD 75-234, 41 FR 2086, Jan. 14, 1976]

### § 110.90 San Diego Harbor, Calif.

(a) *Area A-1.* In the Municipal Yacht Harbor, the water area enclosed by a line beginning at latitude 32°42'56.5" N., longitude 117°13'44" W.; thence southwest to latitude 32°42'53.4" N., longitude 117°13'48.2" W.; thence northwest to latitude 32°43'01.1" N., longitude 117°13'56" W.; thence northeast to latitude 32°43'02.4" N., longitude 117°13'52.4" W.; thence southeast to latitude 32°42'59.6" N., longitude 117°13'47.3" W.; thence to point of beginning.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in the area is exercised by the San Diego Unified Port District pursuant to local ordinances.

(b) *Area A-2.* In the Commercial Basin, the water area enclosed by a line beginning at latitude 32°43'13.9" N.; longitude 117°13'21" W.; thence northeast to latitude 32°43'16.2" N., longitude 117°13'13.2" W.; thence northwest to latitude 32°43'22.1" N., longitude 117°13'23.7" W., thence west to latitude 32°43'22" N., longitude 117°13'26.8" W.; thence southwest to latitude 32°43'19" N., longitude 117°13'29.2" W.; thence southeast to the point of beginning.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in the area is exercised by the San Diego Unified Port District pursuant to local ordinances.

(c) [Reserved]

(d) *Area A-5.* In Glorietta Bay, the water area enclosed by a line beginning at latitude 32°40'42" N., longitude 117°10'00" W.; thence southwest to latitude 32°40'41" N., longitude 117°10'03.5" W.; thence northwest to latitude 32°40'46" N., longitude 117°10'12.5" W.; thence northeast to latitude 32°40'46.5" N., longitude 117°10'11" W.; thence southeast to point of beginning.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in the area is exercised by the San Diego Unified Port District pursuant to local ordinances.

(Sec. 1, 30 Stat. 98, as amended sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.46(c)(2), 33 CFR 1.05-1(c)(1))

[CGD 72-228R, 39 FR 17539, May 17, 1974, as amended by CGD 76-185, 42 FR 40694, Aug. 11, 1977]

### § 110.93 Dana Point Harbor, Calif.

The area in Dana Point Harbor, Calif. commencing at a point at latitude 33°27'36.2" N., longitude 117°42'20.4" W.; thence 016°20' True for 612 feet to a point at latitude 33°27'42.1" N., longitude 117°42'18.4" W.; thence 106°20' True for 85 feet to a point at latitude 33°27'41.8" N., longitude 117°42'17.7" W.; thence 196°20' True for 222 feet to a point at latitude 33°27'39.7" N., longitude 117°42'18.2" W.; thence 182°20' True 234 feet to a point at latitude 33°27'37.4" N., longitude 117°42'18.2" W.; thence 166°20' True for 499 feet to a point at latitude

33°27′32.6″ N., longitude 117°42′16.8″ W.; thence 320° True for 470 feet to the point of origin.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 76-197, 42 FR 44985, Sept. 8, 1977]

### § 110.95 Newport Bay Harbor, Calif.

(a) *Area A-1.* In Lido Channel, northeast of a line parallel to and 195 feet from the pierhead line along the southwest shore of Lido Isle; north of the south U. S. Bulkhead line off Lido Isle extended; southwest of a line parallel to and 120 feet from the pierhead line along the southwest shore of Lido Isle; and southeast of the north side of Via Barcelona, on Lido Isle, extended.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(b) *Area A-2.* East of the east side of 15th Street extended; north of a line parallel to and 250 feet from the pierhead line between 14th and 15th Streets, this line being the north line of Newport Channel, and extending east in a straight line to an intersection with a line bearing 268° from the flashing red beacon on the southeast end of Lido Isle, this line being the northwest line of the main fairway; west of the east side of 13th Street extended; and south of a line parallel to and 220 feet from the pierhead line off the south shore of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(c) *Area A-3.* A rectangular area, 40 feet wide and 885 feet long, on the west side of Upper Bay Channel, 120 feet east of and parallel to the west pierhead line, the south end being 50 feet north from U.S. Bulkhead Station 130.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 for recreational and small craft of such size and alignment as permitted by the harbor master.

(d) *Area A-4.* South of a line bearing 268° from the flashing green beacon off Bay Island and passing through the beacon off 13th Street, this line being the south line of the main fairway; north of a line parallel to and 200 feet from the pierhead line off 11th to 8th Streets; and west of a line bearing 203° from the flashing red beacon at the south extremity of Bay Shores, passing through the pierhead line at the east end of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(e) *Area A-5 (Newport Harbor Yacht Club).* East of a line bearing 23° from the center of the north end of 8th Street, being parallel to and 150 feet distant from the east end of Area A-4; north of a line parallel to and 200 feet from the pierhead line off 7th and 8th Streets; northwest of a line parallel to and 200 feet from the northwest pierhead line off Bay Island; and south of a line bearing 268° from the flashing green beacon off Bay Island and passing through the beacon off 13th Street, this line being the southerly line of the main fairway.

NOTE: This area is reserved for recreational and other small craft. Single moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for pleasure boats and yachts of such sizes and alignments as permitted by the harbor master.

(f) *Area A-6.* Northwest of Harbor Island, beginning at a point on the Newport City line 107 feet from the angle point northwest of Harbor Island; thence 36°27′, 55 feet; thence 303°18′, 300 feet; thence 216°27′, 72 feet; thence 165°12′, 211 feet; thence 75°11′44″, approximately 216 feet, to the point of beginning.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to Organge County Harbor Ordinance No. 490 for recreational and small craft of such size and alignment as permitted by the harbor master.

(g) *Area A-7.* East of a line parallel to and 150 feet from the east pierhead line off Bay Island; north of a line parallel to and 150 feet from the pierhead line off Fernando Street; northwest of the east side of Adams Street extended; and southwest of a line bearing 131° from the flashing green beacon off Bay Island, being parallel to and 100 feet southwest of the southwest line of the main channel.

Note: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(h) *Area A-8.* Northeast of a line parallel to and 270 feet from the southwest pierhead line from Collins Isle to Balboa Island; north of a line bearing 311° from the flashing red beacon off the southwest point of Balboa Island and passing through the flashing red beacon off the south point of Bay Shore, this line being the northeast line of the main channel; southwest of a line parallel to and 150 feet from the southwest pierhead line from Collins Isle to Balboa Island; and southeast of a line bearing 238° from U.S. Station 160.

Note: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(i) *Area A-9.* In Balboa Island Channel, east of a line bearing due north from U.S. Station 151, being 25 feet west of the end of Emerald Avenue; north of a line parallel to and 75 feet from the north pierhead line off Balboa Island; west of the east side of Amethyst Avenue extended; and south of a line parallel to and 150 feet from the north pierhead line of Balboa Island.

Note: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(j) *Area A-10.* Southeast of a line bearing 209° from the flashing red beacon on the southwest point of Balboa Island and passing through the east side of the end of "A" Street; north of an irregular line parallel to and 150 feet from the north pierhead line off Balboa Peninsula from "A" to "K" Streets; south of the south line of the main channel; and south and southeast of an irregular line parallel to and 375 feet from the north pierhead line off Balboa Peninsula.

Note: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(k) *Area A-11.* Northeast of a line bearing 108°30′ from the flashing red beacon at the southwest point of Balboa Island, passing through the flashing red channel buoy No. 4, this line being the northeast line of the main channel; north of a line parallel to and 350 feet from the south pierhead line off Balboa Island; west of the west bulkhead line of the Grand Canal extended; and south of a line parallel to and 150 feet from the south pierhead line off Balboa Island.

Note: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(l) *Area A-12 (Balboa Yacht Club).* South of a line parallel to and 150 feet from the south pierhead line off Balboa Island; west of the east end pierhead line off Balboa Island extended and bearing 161°; north of a line parallel to and 700 feet from the south pierhead line off Balboa Island; and east of a line parallel to and 1,000 feet from the east boundary, bearing 161° from the point of intersection of the east bulkhead line of Grand Canal and the south bulkhead line off Balboa Island.

Note: This area is reserved for recreational and other small craft. Single moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for pleasure boats and yachts of such sizes and alignments as permitted by the harbor master.

(m) [Reserved]

(n) *Area B-1.* Southeast of a line bearing 227° from the flashing red beacon at the southwest corner of Lido Isle and being parallel to and 200 feet from the pierhead line off the southeast end of Rhine Point; northeast of the southwest bulkhead line off Rhine Point extended; north of a line parallel to and 250 feet from the pierhead line between 15th and 18th Streets, this line being the north line of Newport Channel; west of the west side of 15th Street extended; and south of a line parallel to and 220 feet from the pierhead line off the south shore of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings, conforming to the City of Newport Beach Harbor Ordinance No. 543, will be allowed in this area for recreational and small craft of such size and alignment as permitted by the harbor master.

### § 110.100 Los Angeles and Long Beach Harbors, Calif.

(a) [Reserved]

(b) *Area A-2.* Consisting of two parts in the outer basin of Fish Harbor on the east and west sides of Fish Harbor Entrance Channel described as follows:

(1) *Part 1.* Beginning at a point at the intersection of westerly side of Fish Harbor Entrance Channel and the outer jetty; thence southwesterly along the jetty about 900 feet to the shore; thence northerly about 500 feet; thence northeasterly about 650 feet, on a line parallel to jetty; thence southeasterly about 500 feet, along the westerly side of Fish Harbor Entrance Channel to the point of beginning.

(2) *Part 2.* Beginning at a point at the intersection of the east side of Fish Harbor Entrance Channel and Fish Harbor mole (outer Fish Harbor); thence northwesterly along channel line about 850 feet to the southerly side of the Fairway; thence northeasterly and easterly along the southerly side of the Fairway, about 478 and 565 feet respectively to its intersection with Fish Harbor mole; thence southerly and southwesterly along the mole to the point of beginning.

### § 110.105 Avalon Bay, Santa Catalina Island, Calif.

Shoreward of a line connecting the promontories known as Casino Point and Bathhouse Point; excluding therefrom the fairways as established by the harbor master, City of Avalon.

NOTE: This area is reserved for yachts and other small craft. Moorings will be allowed in this area conforming to the City of Avalon Ordinance No. 264 of such size and alignment as permitted by the harbor master.

### § 110.110 Santa Monica Harbor, Calif.

The waters inclosed by a line 1,000 feet southwest of and parallel to the axis of the Santa Monica breakwater and extending 2,000 feet northwest and 2,000 feet southeast of the ends of the breakwater, lines extending shoreward from and normal to each end of the said line, and the mean high tide line; excluding therefrom the fairways as established by the harbor master, City of Santa Monica.

NOTE: This area is reserved for small craft. Fore and aft moorings will be allowed in this area conforming to the City of Santa Monica Harbor Ordinances Nos. 541, 705, 706, and 1356 for recreational and other small craft of such size and alignment as permitted by the harbor master. Fixed mooring piles or stakes are prohibited.

### § 110.111 Marina del Rey Harbor, Calif.

An area in the main channel within the following described boundaries:

Beginning at the most northeasterly corner at latitude 33°58′58″, longitude 118°26′46″; thence southerly to latitude 33°58′53″, longitude 118°26′46″; thence southeasterly to latitude 33°58′52″, longitude 118°26′45″; thence southerly to latitude 33°58′39″, longitude 118°26′45″; thence westerly to latitude 33°58′38″, longitude 118°26′55″; thence northerly to latitude 33°59′00″, longitude 118°26′55″; thence easterly to the point of beginning.

NOTE: This area is reserved for yachts and other recreational craft and for all types of small craft during storm, stress, or other emergency. Single and fore-and-aft moorings will be allowed in the area as permitted by the Director of the Department of Small Craft Harbors, Los Angeles County.

### § 110.115 Santa Barbara Harbor, Calif.

North of the Santa Barbara breakwater; seaward of the line of mean high water; and southwest of a line bearing 46°30′ from the north corner of Bath Street and Cabrillo Boulevard to the end of the Santa Barbara breakwater; excluding a fairway 225 feet wide, 100 feet from each side of and parallel to the Navy pier.

NOTE: Fore and aft moorings will be allowed in this area conforming to the City of Santa Barbara Harbor Ordinance No. 2106 for yachts and small craft of such size and alignment as permitted by the harbor master.

### § 110.120 San Luis Obispo Bay, Calif.

(a) *Area A-1.* Area A-1 is the water area bounded by the San Luis Obispo County wharf, the shoreline, a line drawn from the southernmost point of Fossil Point to latitude 35°10′18.5″ N., longitude 120°43′38.5″ W.; thence to the southeast corner of the San Luis Obispo County wharf.

(b) *Area A-2.* Area A-2 is the water area enclosed by a line drawn from the outer end of Whaler Island breakwater at latitude 35°09′22″ N., longitude 120°44′56″ W., to the Marré Chimney at latitude 35°10′56″ N., longitude 120°44′31″ W.

NOTE: The Port San Luis Harbor District prescribes local regulations for mooring and boating activities in these areas.

(Sec. 6(g)(1)(B), 80 Stat. 937; 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2))

[CGD 72-24R, 38 FR 1928, Jan. 19, 1973]

### § 110.125 Morro Bay Harbor, Calif.

(a) *Area A-1.* Opposite the City of Morro Bay, beginning 50 feet west of the intersection of the west channel line and the prolongation of the center line of Seventh Street; thence in a generally southeasterly direction and parallel to the channel line for a distance of 450 yards; thence 166° and parallel to the revetment for a distance of 1,025 yards; thence 270° for a distance of 200 yards; thence 346° for a distance of about 1,425 yards to meet the prolongation of the center line of Seventh Street; and thence to the point of beginning.

(b) *Area A-2.* Beginning at a point 322° and 150 feet from the high water line on the most westerly part of Fairbanks Point; thence continuing on this bearing for a distance of 1,346 feet; thence 52° for a distance of 450 feet and thence generally southeasterly parallel to and 150 feet from the mean high water line to the point of beginning.

NOTE: Moorings and boating activities will be allowed in these areas conforming to applicable City of Morro Bay ordinances and regulations adopted pursuant thereto.

### § 110.126 Monterey Harbor, Calif.

The waters of Monterey Harbor between the shoreline and the following coordinates: Beginning at a point on the Coast Guard Wharf at latitude 36°36′33.2″ N., longitude 121°53′29.8″ W.; thence to latitude 36°36′32.4″ N., longitude 121°53′31″ W.; thence in an easterly direction to latitude 36°36′27.8″ N., longitude 121°53′16″ W.; thence to latitude 36°36′20″ N.; longitude 121°52′58″ W.; thence to the shoreline at latitude 36°36′04″ N.; longitude 121°52′54″ W.; excluding from this area a fairway 125 feet wide whose centerline begins at latitude 36°26′27.8″ N.; longitude 121°53′16″ W.; and extends 205°, approximately 405 feet to latitude 36°36′24″ N.; longitude 121°53′18.3″ W.; thence 225° approximately 850 feet to the Monterey Marina entrance. Also excluded are the waters between this fairway and the north end of Municipal Wharf No. 2 and the eastern part of Municipal Wharf No. 1.

(Sec. 1, 30 Stat. 98, as amended, (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)), 49 CFR 1.46(c)(2))

[CGD 76-45, 42 FR 37369, July 21, 1977]

### § 110.126a San Francisco Bay, Calif.

*Richardson Bay Anchorage.* That portion of Richardson Bay, north of a line bearing 257° from Peninsula Point to the shore at Sausalito, except for federally-maintained channels, and all channels approved for private use therein.

NOTE: An ordinance of the City of Sausalito requires the City's written consent before any vessel is moored or anchored in the portion of this special anchorage area known as the waters of Dunphy Park.

(Sec. 1, 30 Stat. 98, as amended, (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGFR 69-109, 34 FR 17771, Nov. 4, 1969, as amended by CGD 78-126, 45 FR 10760, Feb. 19, 1980]

### § 110.127 Lake Mohave and Lake Mead, Nevada and Arizona.

(a) *Willow Beach, Ariz.* That portion of Lake Mohave enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35 52'30" N. | 114 39'35" W. |
| "b" 35 52'10" N. | 114 39'35" W. |

(b) *Katherine, Ariz.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35 13'33" N. | 114 34'38" W. |
| "b" 35 13'05" N. | 114 34'40" W. |

(c) *El Dorado Canyon, Nev.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 50-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35 42'37" N. | 114 42'21" W. |
| "b" 35 42'08" N. | 114 42'10" W. |

(d) *Cottonwood Cove, Nev.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway extending northeasterly from the launching ramp, as established by the Superintendent Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35 29'40" N. | 114 40'55" W. |
| "b" 35 29'33" N. | 114 40'45" W. |

(e) *Overton Beach, Nev.*—(1) *Area "A".* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding two 300-foot-wide fairways, extending northwesterly and southwesterly from the launching ramps, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36 27'05" N. | 114 21'48" W. |
| "b" 36 27'15" N. | 114 21'20" W. |
| "c" 36 26'32" N. | 114 20'45" W. |
| "d" 36 25'49" N. | 114 20'50" W. |
| "e" 36 25'00" N. | 114 21'27" W. |
| "f" 36 25'19" N. | 114 22'10" W. |

(f) *Echo Bay, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36 18'30" N. | 114 25'10" W. |
| "b" 36 18'20" N. | 114 24'00" W. |
| "c" 36 17'35" N. | 114 24'05" W. |
| "d" 36 17'40" N. | 114 24'27" W. |

(g) *Callville Bay, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 200-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36 09'00" N. | 114 42'40" W. |
| "b" 36 08'10" N. | 114 42'03" W. |
| "c" 36 08'06" N. | 114 42'40" W. |

(h) *Las Vegas Wash, Nev.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36 07'23" N. | 114 49'45" W. |
| "b" 36 06'29" N. | 114 49'45" W. |

(i) *Hemenway Harbor, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp at Boulder Beach and a 600-foot-wide fairway, extending northeasterly from the launching ramp at Hemenway Harbor, both as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°04'05" N. | 114°48'15" W. |
| "b" 36°03'25" N. | 114°48'10" W. |
| "c" 36°01'20" N. | 114°45'15" W. |

(j) *Kingman Wash, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°02'34" N | 114°42'50" W |
| "b" 36°02'05" N | 114°43'05" W |

(k) *Temple Bar, Ariz.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 200-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°02'21" N | 114°19'29" W |
| "b" 36°02'34" N | 114°18'46" W |
| "c" 36°02'03" N | 114°18'13" W |

(l) *Greggs, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending northerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°00'35" N | 114°13'49" W |
| "b" 36°00'35" N | 114°14'10" W |

(m) *Pierce Ferry, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°08'42" N. | 113°59'24" W. |
| "b" 36°07'18" N. | 113°58'32" W. |

(n) *South Bay, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding one 100-foot wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°06'26" | "a" 114°06'13" |
| "b" 36°05'00" | "b" 114°06'50" |
| "c" 36°05'00" | "c" 114°06'13" |

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Lake Mead Recreation Area, National Park Service.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 69-36, 34 FR 6577, Apr. 17, 1969; CGD 79-045, 44 FR 60091, Oct. 18, 1979]

### § 110.127a Lake Powell, Utah-Arizona.

(a) *Castel Butte, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway extending in an east-west direction perpendicular to the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 37°43'45" N | 110°27'00" W |
| "b" 37°42'30" N | 110°27'57" W |

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CROSS REFERENCES: United States Customs Service, Department of the Treasury: 19 CFR Chapter I.

Coast Guard regulations relating to shipping: 46 CFR Chapter I.

(b) *Bullfrog Basin, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°29′17″ N | 110°42′28″ W |
| "b" 37°28′44″ N | 110°43′40″ W |

(c) *Halls Crossing, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway, extending northwesterly from the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°28′24″ N | 110°42′57″ W |
| "b" 37°28′00″ N | 110°43′21″ W |
| "c" 37°27′46″ N | 110°43′16″ W |

(d) *Forbidding Canyon, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 75-foot-wide fairway, extending northerly from the boat landing, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°06′55″ N | 110°58′41″ W |
| "b" 37°06′38″ N | 110°58′50″ W |

(e) *Wahweap, Arizona-Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway, extending northeasterly from the northerly launching ramp and a 300-foot-wide fairway, extending easterly from the southerly launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°00′21″ N | 111°30′30″ W |
| "b" 37°00′40″ N | 111°30′00″ W |
| "c" 36°59′10″ N | 111°28′48″ W |
| "d" 36°59′10″ N | 111°29′24″ W |

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Glen Canyon National Recreation Area.

### § 110.127b Flaming Gorge Lake, Wyoming-Utah.

(a) *Buckboard Crossing, Wyo.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 150-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 41°14′50″ N | 109°35′22″ W |
| "b" 41°14′37″ N | 109°35′12″ W |

(b) *Squaw Hollow, Wyo.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 41°09′55″ N | 109°33′18″ W |
| "b" 41°09′48″ N | 109°33′20″ W |

(c) *Antelope Flat, Utah.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 150-foot-wide fairway, extending southeasterly from the launching ramp to a point beyond the floating breakwater and then westerly, as established by the Superintendent, Flaming Gorge National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 40°57′46″ N | 109°33′30″ W |
| "b" 40°57′37″ N | 109°33′37″ W |

(d) *Lucerne Valley, Utah.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

| | *Latitude* | *Longitude* |
|---|---|---|
| "a" | 40°59'07" N | 109°34'54" W |
| "b" | 40°58'54" N | 109°35'00" W |

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Flaming Gorge National Recreation Area.

### § 110.127c Trinidad Bay, Calif.

The waters of Trinidad Bay beginning at the southern most point of Trinidad Head at latitude 41°03'04" N., longitude 124°08'56" W.; thence east to Prisoner Rock at latitude 41°03'09" N., longitude 124°08'37" W.; thence east to latitude 41°03'09" N.; longitude 124°03'19" W.; thence north to latitude 41°03'26" N., longitude 124°08'21" W.; thence following the shoreline to Trinidad Bay in a westerly and southerly direction to the point of beginning.

NOTE: The area will be principally for use by sport and commercial fishing vessels. Temporary floats and buoys for anchoring will be allowed in the area. Fixed moorings, piles or stakes are prohibited. All moorings shall be placed so that no vessel when anchored or moored shall at any time extend beyond the limits of the area. The anchoring of all vessels and placing of all moorings will be under the supervision of the City of Trinidad or such other authority as may be designated by the City Council of the City of Trinidad, California.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)), 49 CFR 1.46(c)(2))

[CGD 76-105, 42 FR 37811, July 25, 1977]

### § 110.128 Columbia River at Portland, Oreg.

The waters of the Columbia River between Sand Island and Government Island, bounded on the west by pile dike U.S. 5.75 and a line extending true north from the northerly end of the dike to the south shore of Sand Island and bounded on the east by a line bearing 339°15' true, from a point on Government Island at latitude 45°35'10", longitude 122°32'41", to the southerly shore of Sand Island.

### § 110.128a Lahaina, Island of Maui, Hawaii.

The water area of the Pacific Ocean, west of Lahaina, Hawaii enclosed by a line beginning at latitude 20°52'39" N., longitude 156°41'11" W.; thence to latitude 20°52'40" N., longitude 156°41'09" W.; thence to latitude 20°52'32" N., longitude 156°41'03" W., thence to latitude 20°52'31" N., longitude 156°41'04" W.; thence to the point of beginning.

(Sec. 6(g)(1)(B), 80 Stat. 937; 49 CFR 1.46(c)(2))

[CGD 74-191, 41 FR 54177, Dec. 13, 1976]

### § 110.128b Island of Hawaii, Hawaii.

(a) *Hilo Bay.* The waters of Hilo Bay enclosed by a line beginning at 19°43'55.5" N. latitude, 155°03'30" W. longitude; thence to 19°44'08" N. latitude, 155°04'19" W. longitude; thence to 19°43'51" N. latitude, 155°04'30" W. longitude; thence to 19°44'10" N. latitude, 155°05'29" W. longitude; thence along the shoreline to the beginning point.

(b) *Kuhio Bay.* The waters of Kuhio Bay enclosed by a line beginning at 19°44'13" N. latitude, 155°03'25" W. longitude; thence to 19°44'15" N. latitude, 155°03'25" W. longitude; thence along the shoreline to the beginning point.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 76-186, 42 FR 62001, Dec. 8, 1977]

### § 110.128c Island of Kauai, Hawaii.

(a) *Nawiliwili Bay.* The waters of Nawiliwili Bay enclosed by a line beginning at 21°57'12.5" N. latitude, 159°21'38" W. longitude; thence to 21°57'26" N. latitude, 159°21'39.5" W. longitude; thence along the shoreline to the beginning point.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 76-186, 42 FR 62001, Dec. 8, 1977]

### § 110.128d Island of Oahu, Hawaii.

(a) *Kaneohe Bay (1).* The waters of Kaneohe Bay enclosed by a line beginning at 21°26'28" N. latitude, 157°46'00" W. longitude; thence to 21°26'00" N. latitude, 157°46'14" W. longitude; thence to 21°26'20" N. latitude, 157°47'24" W. longitude; thence to 21°27'00" N. latitude, 157°48'25" W. longitude; thence to 21°26'46" N. latitude, 157°48'37" W. longitude; thence along the shoreline to the beginning point.

(b) *Kaneohe Bay (2).* The waters of Kaneohe Bay enclosed by a line beginning at 21°27'28" N. latitude, 157°49'08" W. longitude; thence to 21°28'10" N. latitude, 157°50'03" W. longitude; thence to 21°29'10" N. latitude, 157°50'40" W. longitude; thence to 21°30'46" N. latitude, 157°50'14" W. longitude; thence along the shoreline to the beginning point.

(c) *Keehi Lagoon.* The waters of Keehi Lagoon enclosed by a line beginning at 21°19'04" N. latitude, 157°53'50" W. longitude; thence to 21°19'06" N. latitude, 157°53'44" W. longitude; thence to 21°19'37" N. latitude, 157°54'00" W. longitude; thence to 21°19'35" N. latitude, 157°54'06" W. longitude; thence to the beginning point.

(d) *Sans Souci Beach.* The waters of Sans Souci Beach enclosed by a line beginning at 21°15'49" N. latitude, 157°49'31" W. longitude; thence to 21°15'49.2" N. latitude, 157°49'29" W. longitude; thence to 21°15'56.2" N. latitude, 157°49'31" W. longitude; thence to 21°15'56" N. latitude, 157°49'33" W. longitude; thence to the beginning point.

(e) *Iroquois Point Lagoon.* The waters of Iroquois Point Lagoon enclosed by a line beginning at 21°19'53" N. latitude, 157°58'30" W. longitude; thence to 21°19'56" N. latitude, 157°58'31" W. longitude; thence along the shoreline to the beginning point.

(f) *Hickam AFB Marina (1)a.* The waters of Hickam AFB Marina enclosed by a line beginning at 21°19'13" N. latitude, 157°57'40" W. longitude; thence to 21°18'45" N. latitude, 157°57'40" W. longitude; thence to 21°18'45" N. latitude, 157°57'28.5" W. longitude; thence to 21°19'10" N. latitude, 157°57'28.5" W. longitude; thence along the shoreline to the beginning point.

(g) *Hickam AFB Marina (2).* The waters of Hickam AFB Marina enclosed by a line beginning at 21°19'11" N. latitude, 157°57'10" W. longitude; thence to 21°18'46.2" N. latitude, 157°57'20" W. longitude; thence to 21°18'46.2" N. latitude, 157°57'05.2" W. longitude; thence along the shoreline to the beginning point.

(h) *Aiea Bay.* The waters of Aiea Bay enclosed by a line beginning at 21°22'20" N. latitude, 157°56'30" W. longitude; thence to 21°22'27" N. latitude, 157°56'40.5" W. longitude; thence to 21°22'30" N. latitude, 157°56'40.5" W. longitude; thence to 21°22'37" N. latitude, 157°56'22.5" W. longitude; thence to 21°22'37" N. latitude, 157°56'19" W. longitude; thence along the shoreline to the beginning point.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGD 76-186, 42 FR 62001, Dec. 8, 1977, as amended at 43 FR 21881, May 22, 1978]

### § 110.129 Favorite Channel between Point Stephens and Point Louisa, Alaska.

(a) *North Area.* The waters of Lena Cove south and east of a line beginning at a point on shore at latitude 58°24'35", longitude 134°45'52"; thence south 21°15' west, 800 feet to a small unnamed island; and thence south 11°30' east, approximately 3,560 feet to Lena Point at latitude 58°23'48", longitude 134°45'42", except the waters fronting the Lena Cove Recreation Area from the mean low water line channelward 300 feet.

(b) *South Area.* The waters south of Lena Point and north of a line beginning at a point on shore at latitude 58°23'04", longitude 134°45'32"; thence south 33°15' east, 1,300 feet to an unlighted buoy at latitude 58°22'56", longitude 134°45'24"; thence south 57°30' east, 6,900 feet to an unlighted buoy at latitude 58°22'18", longitude 134°43'36"; and thence due north 900 feet to the shore at Point Louisa.

NOTE: The areas are reserved for recreational and other small craft. Temporary floats and buoys will be allowed in the areas. Anchors must not be placed outside the areas, nor shall any vessel be so anchored that any portion of the hull or rigging will, at any time, extend into the cable areas to the west of the anchorage areas.

### § 110.129a Apra Harbor, Guam.

The waters of Apra Harbor east of a line running from the easternmost corner of Pier C (old seaplane ramp) and the northwesternmost corner of the Guam Oil and Refining Pier.

[CGD 73-191, 40 FR 1017, Jan. 6, 1975]

## Subpart B—Anchorage Grounds

AUTHORITY: Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3), unless otherwise noted.

### § 110.130 Rockland Harbor, Maine.

(a) *The anchorage grounds*—(1) *Anchorage A.* Beginning at a point bearing 158°, 1,075 yards, from Rockland Breakwater Light; thence 255°, 2,000 yards, to a point bearing 225° from Rockland Breakwater Light; thence 345°, 700 yards, to a point bearing 244° from Rockland Breakwater Light; thence 75°, 1,200 yards, to a point bearing 222° from Rockland Breakwater Light; and thence 120°, 1,000 yards, to the point of beginning.

(2) *Anchorage B.* Beginning at a point bearing 273°, 400 yards, from Rockland Breakwater Light; thence 273°, 700 yards, to a point bearing 273° from Rockland Breakwater Light; thence 349°, 850 yards, to a point bearing 305° from Rockland Breakwater Light; thence 89°, 700 yards, to a point bearing 328° from Rockland Breakwater Light; and thence 169°, 900 yards, to the point of beginning.

(3) *Anchorage C.* Beginning at a point bearing 244°, 1,715 yards, from Rockland Breakwater Light; thence 260°, 490 yards, to a point bearing 248° from Rockland Breakwater Light; thence 350°, 580 yards, to a point bearing 263° from Rockland Breakwater Light; thence 83°, 480 yards, to a point bearing 263° from Rockland Breakwater Light; and thence 169°, 550 yards, to the point of beginning.

(b) *The regulations.* (1) Anchorages A and B are general anchorages reserved for merchant vessels over 100 feet in length. Anchorage C is reserved for small commercial and pleasure craft.

(2) A distance of approximately 500 yards shall be left between Anchorages A and B for vessels entering or departing from the Port of Rockland. Any vessel not anchoring in these areas shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(3) All other vessels within the Rockland Harbor area are prohibited from anchoring within 300 yards or operating within 100 feet of any navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval arsenal or depot, warehouse, or freight pier without permission from the Captain of the Port, Rockland, Maine, or his authorized representative.

### § 110.131 Kennebec River in vicinity of Bath, Maine.

(a) *The anchorage grounds.* Vessels may anchor only within the following limits:

(1) Northward of a line bearing 54° true and extending from a point on Passmore's wharf in prolongation with the north side of Commerce Street, Bath, Maine, to a point on the shore in Woolwich, approximately 1,200 feet north of the Maine Central Railroad wharf.

(2) Southward of a line drawn from the derrick on the Bath Iron Works wharf to Sassanoa Point in Woolwich.

(b) *The regulations.* (1) Vessels in the north anchorage shall be so anchored as to leave a clear fairway of 150 feet channelward of the established harbor lines at Bath, and a clear fairway 200 feet from the east or Woolwich shore, for the passage of steamers, tows, rafts, and other watercraft.

(2) The launching of vessels into the waters between the anchorages or the bringing up of such vessels by their anchors will be permitted: *Provided,* That the vessels so launched shall be removed therefrom within 12 hours from the time of anchorage.

### § 110.132 Portland Harbor, Maine.

(a) *The anchorage grounds*—(1) *Anchorage A (general).* Beginning at the eastern corner of Grand Trunk Railway Company pier No. 3; thence approximately 90°, 1,700 yards, to Brooklyn Ledge Buoy 16; thence 330°, 350 yards; thence 25°, 780 yards; thence 303°, 750 yards; thence 254°, 560 yards; thence 186°, 750 yards; and thence to the point of beginning.

(2) *Anchorage B (general and quarantine).* Beginning at Brooklyn Ledge Buoy 16; thence 58° to Little Diamond

Island; thence along the southwestern shore to the pier on the southern end of Little Diamond Island; thence 133°, 1200 yards; thence 270° to House Island Light; thence along the western shore of House Island to Fort Scammel Point Light; and thence 329°, 1,620 yards, to the point of beginning.

(3) *Anchorage C.* Bounded on the northwest by House Island; on the north by a line running 90° from House Island Light to Peak Island; on the east by the western shore of Peak Island, by a line running 198° from the westernmost point on Peak Island to Cushing Island, and by the shore of Cushing Island to its westernmost point; and on the southwest by a line running from the westernmost point on Cushing Island to Fort Scammel Point Light.

(4) *Anchorage D.* Southerly and westerly of a line beginning at Lighthouse Channel Buoy 1; thence 35° to Anchorage Buoy E; and thence 145° to the mainland.

(b) *The regulations.* (1) Anchorage B is intended for general purposes, but especially for use by oil tankers and other large deep-draft ships entering harbor at night and intending to proceed to the dock allotted at daylight the following morning or as soon as practicable. This area is also to be used for quarantine anchorage. Vessels must be so anchored in this area as to leave at all times an open usable channel at least 100 feet wide for passage of ferry and other boats between Portland, Peak Island, and Bay Points. Any vessels anchored in this area shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(2) Anchorage C is intended for use only by small vessels and for temporary anchorage.

(3) Anchorage D is for use only by small yachts and pleasure craft and small light-draft coastwise freighters.

(Sec. 7, 30 Stat. 1053, as amended (33 U.S.C. 471); sec. 6(g)(1)(A), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 78-004, 45 FR 10761, Feb. 19, 1980]

### § 110.134 Boston Harbor, Mass.

(a) *The anchorage grounds*—(1) *Bird Island Anchorage.* Beginning at a point bearing 93°, 1,400 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 81°, 1,600 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 102°, 3,100 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 109°, 3,050 yards, from the aerial beacon on top of the Boston Custom House tower; and thence to the point of beginning.

(2) *President Roads Anchorage*—(i) *40-foot anchorage.* Beginning at a point bearing 237°, 522 yards from Deer Island Light; thence to a point bearing 254°, 2,280 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; thence to a point bearing 278°, 2,438 yards from Deer Island Light; thence to a point bearing 319°, 933 yards from Deer Island Light; thence to a point bearing 319°, 666 yards from Deer Island Light; and thence to point of beginning.

(ii) *35-foot anchorage.* Beginning at a point bearing 256°, 2,603 yards from Deer Island Light; thence to a point bearing 258°30′, 3,315 yards from Deer Island Light; thence to a point bearing 264°, 3,967 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; and thence to point of beginning.

(3) *Long Island Anchorage.* East of Long Island, bounded as follows: Beginning at the southwesternmost point of Gallups Island; thence 270° to Long Island; thence southerly along the eastern shore line of Long Island to Bass Point; thence to the northernmost point of Rainsford Island; thence to Georges Island Gong Buoy 6; and thence to the point of beginning.

(4) *Castle Island Anchorage.* Bounded on the north by Castle Island and adjacent land; on the east by a line between Castle Rocks Fog Signal Light and Old Harbor Shoal Buoy 2; on the southeast by a line between Old Harbor Shoal Buoy 2 and Old Harbor Buoy 4; and on the west by a line running due north from Old Harbor Buoy 4 to the shore line at City Point.

(5) *Explosives anchorage.* In the lower harbor, bounded on the northeast by a line between the northeast end of Peddocks Island and the northeast end of Rainsford Island; on the northwest by Rainsford Island; on the southwest by a line between the western extremity of Rainsford Island and the westernmost point of Peddocks Island; and on the southeast by Peddocks Island.

(b) *The regulations.* (1) The Captain of the Port may authorize the use of the President Roads Anchorage as an explosives anchorage when he finds that the interests of commerce will be promoted and that safety will not be prejudiced thereby. Vessels anchored in this area shall move promptly upon notification by the Captain of the Port.

(2) In the Long Island Anchorage vessels shall anchor in the position designated by the Captain of the Port.

(3) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

### § 110.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.

(a) *New Bedford Outer Harbor*—(1) *Anchorage A.* West of Sconticut Neck, and shoreward of a line described as follows: Beginning at a point 100 yards southwest of Fort Phoenix Point; thence 154° along a line which passes 100 yards east of New Bedford Channel Buoys 8, 6, and 4, to a point bearing approximately 130°, 225 yards, from New Bedford Channel Buoy 4; thence 87°, 340 yards; thence 156° along a line approximately one mile to its intersection with a line ranging 87° from the cupola on Clarks Point; thence 87° to Sconticut Neck.

(2) *Anchorage B.* Southeast of a line ranging 222° from the southwest corner of Fort Phoenix to the New Bedford shore; west of a line ranging 154° from Palmer Island Light to Butler Flats Light; and north of a line bearing 267° from Butler Flats Light to the shore.

(b) *Buzzards Bay near entrance to approach channel to Cape Cod Canal*—(1) *Anchorage C.* West of a line parallel to and 850 feet westward from the centerline of Cleveland Ledge Channel; north of a line bearing 129° from the tower on Bird Island; east of a line bearing 25°30′ and passing through Bird Island Reef Bell Buoy 13; and south of a line bearing 270° from Wings Neck Light.

(2) *Anchorage D.* Beginning at a point bearing 185°, 1,200 yards, from Hog Island Channel 4 Light; thence 129° to a point bearing 209°, approximately 733 yards, from Wings Neck Light; thence 209° to Southwest Ledge Buoy 10; thence 199° along a line to its intersection with a line bearing 129° from the tower on Bird Island; thence 309° to a point 850 feet easterly, right angle distance, from the centerline of Cleveland Ledge Channel; thence northeasterly along a line parallel to and 850 feet eastward from the centerline of Cleveland Ledge Channel to its intersection with a line bearing 218° 30′ from the point of beginning; thence 38°30′ to the point of beginning.

(c) *Vineyard and Nantucket Sounds*—(1) *Anchorage E.* South of a line beginning at a point bearing 180° about 3.25 miles from Cuttyhunk Light; thence 65° to a point bearing 180°, 0.625 mile from Nashawena Lighted Whistle Buoy; thence 57°30′ passing 600 yards northerly of Middle Ground Lighted Bell Buoy 25A, to a point bearing 145°, 1.25 miles from Nobska Point Light; southwest of a line ranging 113° through West Chop Buoy 25 to East Chop Flats Bell Buoy 23; and west of a line bearing 163° between East Chop Flats Bell Buoy 23 and Lone Rock Buoy 1; and northerly of a line bearing 269° between Lone Rock Buoy 1 and a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf.

(2) *Anchorage F.* Southeast of the Elizabeth Islands, north of a line ranging 97°30′ from Cuttyhunk Light toward Nashawena Lighted Whistle Buoy to a point 0.375 mile from that buoy; northwest of a line bearing 57°30′ from the last-named point to a point opposite the entrance to Woods Hole; and southwest of a line from the shore of Nonamesset Island bearing 114° and ranging through West Chop Light and East Chop Light.

(3) *Anchorage G.* South of a line beginning at a point on the mainland at

Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf bearing 89° to Lone Rock Buoy 1; thence 113° from Lone Rock Buoy 1 to Outer Flats Bell Buoy 17; thence 86° to Cross Rip Lightship; thence 118°30′ to Tuckernuck Shoal Bell Buoy 7; thence ranging 149° toward Brant Point Light to the breakwater at Brant Point.

(4) *Anchorage H.* In the vicinity of Squash Meadow shoal, east of a line ranging 163° through Squash Meadow West End Buoy 21; north of lines parallel to and 0.5 mile northerly from lines joining Lone Rock Buoy 1, Outer Flats Bell Buoy 17, and Cross Rip Lightship; and south of a line ranging 97° from East Chop Light toward Cross Rip Lightship.

(5) *Anchorage I.* Northerly of a line ranging 109° from Nobska Point Light toward Hedge Fence Lighted Horn and Gong Buoy 16, and of a line ranging 97°30′ through Hedge Fence East End Buoy to Halfmoon Shoal Lighted Bell Buoy 12, thence 73° to Handkerchief Shoal Buoy 16, and thence to the westernmost point of Monomoy Island.

(6) *Anchorage J.* East of a line bearing 329°, parallel to and 0.875 mile northeasterly of a line running from Brant Point Light through Tuckernuck Shoal Bell Buoy 7, from Coatue Beach to a point 1.25 miles southeasterly from a line between Halfmoon Shoal Lighted Bell Buoy 12 and Handkerchief Shoal Buoy 16; thence 73°, parallel to and 1.25 miles southeasterly from a line running from Halfmoon Shoal Lighted Bell Buoy 12 through Handkerchief Shoal Buoy 16, to a point bearing 215° from Stone Horse North End Lighted Bell Buoy 9; thence 35° to Stone Horse North End Lighted Bell Buoy 9; thence 70° to a point bearing 207° from Pollock Rip Lightship; and thence 27° through, and to a point 5.0 miles northeasterly from, Pollock Rip Lightship.

(7) *Anchorage K.* North of a line tangent to the southeasterly edge of Monomoy Point and extending to Bearse Shoal North End Buoy 2A and west of a line bearing 7° from Bearse Shoal North End Buoy 2A to Chatham Bar Buoy 2.

(d) *The regulations.* (1) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

(2) Except in cases of great emergency, no vessels shall be anchored in New Bedford Outer Harbor, Buzzards Bay near the entrance to the approach channel to Cape Cod Canal, or Vineyard and Nantucket Sounds, outside of the anchorage areas defined in paragraphs (a) to (c) of this section.

(3) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(4) Any vessel anchoring under the circumstances of great emergency outside any anchorage area must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification by an officer of the Coast Guard.

(5) A vessel upon being notified to move into the anchorage limits or to shift its position in anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(6) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(7) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

### § 110.142 Nantucket Harbor, Mass.

(a) *The anchorage grounds.* In the Nantucket Harbor, beginning at a point 210 yards, 90°, from Brant Point Light; thence easterly to latitude 41°17′23″, longitude 70°05′14.5″; thence southerly to latitude 41°17′03″, longitude 70°05′14.5″; thence southwesterly to latitude 41°16′54″, longitude 70°05′23″; thence northwesterly to latitude 41°16′55″, longitude 70°05′31″; thence northeasterly to latitude 41°17′07.5″, longitude 70°05′27″; thence northeasterly to the point of beginning.

(b) *The regulations.* The anchorage is for the use of commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels including the placing of anchors and moorings is subject to the supervision and approval of the local harbor master.

### § 110.145 Narragansett Bay, R.I.

(a) *East Passage*—(1) *Anchorage A.* East of Conanicut Island, beginning at the easterly extremity of the Dumplings; extending 9° to a point at latitude 41°29′28″, longitude 71°21′05.5″; thence 356° for 5,350 feet; thence 24° for 5,700 feet; thence 12° for 1,100 feet; thence 311°30′ for 2,300 feet; thence 351° for 5,350 feet; thence 270° for 3,200 feet to the easterly side of Conanicut Island; thence generally along the easterly side of the island to a point on the easterly side of the island due west of the Dumplings; and thence due east to the point of beginning; excluding the approach of the Jamestown Ferry, a zone 900 feet wide to the southward of a line ranging 103° from a point, 300 feet north of the existing ferry landing toward the spire of Trinity Church, Newport.

(i) That portion of the area to the northward of the approach of the Jamestown Ferry shall be restricted for the anchorage of vessels of the U.S. Navy. In that portion of the area to the southward of the approach of the Jamestown Ferry, the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for marking anchors or moorings in place shall be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage B.* Off the west shore of Aquidneck Island to north of Coggeshall Point, northerly of a line ranging 075° from a point on the easterly end of Gould Island, latitude 41°32′13″, longitude 71°20′40.5″, toward the shore of Aquidneck Island; east of a line ranging 019° from the easternmost of the Dumplings to latitude 41°36′16″, longitude 71°17′48″; thence northeast to latitude 41°36′53″, longitude 71°17′07.5″; thence east to latitude 41°36′53″, longitude 71°16′40″; thence southwesterly to latitude 41°35′54″, longitude 71°17′17.5″; thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the cable area in the vicinity of Coggeshall Point.

(i) *Anchorage B-1.* Off the southerly end of Prudence Island beginning at a point at latitude 41°34′08.9″, longitude 71°19′25.8″; thence 19° for 1,900 feet; thence 289° for 1,900 feet; thence 199° for 1,900 feet; thence 109° for 1,900 feet to the point of beginning.

(*a*) In this area the requirements of the Navy shall predominate.

(*b*) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(ii) *Anchorage X-1. Naval explosives and ammunition handling anchorage.* The waters of Narragansett Bay northeasterly of Gould Island within a circle having a radius of 500 yards with its center at latitude 41°33′18″, longitude 71°20′03″.

(*a*) This area will be used for anchoring naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Services Explosive Board. Explosives or dangerous materials include inflammable liquid or inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances.

(*b*) No vessel shall anchor within 500 yards of the explosive anchorage area when occupied by vessels carrying explosives.

(*c*) No more than 2,000 tons Net High Explosives limit will be handled in the anchorage area.

(d) No vessel shall be so anchored in the anchorage that it will at any time extend beyond the limits of the area.

(e) Naval vessels anchoring in the area will display the proper signals, and will be under the supervision of the Commander, U.S. Naval Base, Newport, Rhode Island.

(3) *Anchorage C.*

(i) [Reserved]

(ii) West of Coasters Harbor Island, west of a line bearing 351 from Tracey Ledge Buoy 5 through Seventeen-foot Spot Buoy northeast of Gull Rocks, south of a line bearing 292 from the cupola at the Naval War College; east of a line ranging 19 from the easternmost of The Dumplings toward Dyer Island North Point Shoal Lighted Bell Buoy 12A; and north of latitude 41 30'22 which parallel passes through a point 230 yards north of Rose Island Shoal Northeast End Buoy 8.

(iii) In this area the requirements of the Navy shall predominate.

(iv) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage D.* West of Goat Island, south of a line bearing 247 from Newport Harbor Light; east of a line bearing 176 30' from the northwesterly end of Rose Island; north of a line bearing 117 from the northerly end of the ferry slip at Jamestown to longitude 71 20' and west of a line running north and south along longitude 71 20'.

(i) In this area the requirements of the Navy shall predominate from May 1 to October 1, subject at all times to such adjustments as may be necessary to accommodate all classes of vessels which may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage E.* South of Coasters Harbor Island, east of a line bearing 341 from the outer end of Briggs Wharf to the southwestern shore of Coasters Harbor Island near the War College Building; and north of a line ranging 265 from the flagstaff at Fort Greene toward Rose Island Light.

(i) In this area the requirements of the naval service will predominate from May 1 to October 1, but will at all times be subject to such adjustment as may be necessary to accommodate all classes of vessels that may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(b) *West Passage*—(1) *Anchorage H.* North of a line 1,000 yards long bearing 88 from Bonnet Point; west of a line bearing 3 from the eastern end of the last-described line; and south of a line ranging 302 through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage I.* North of a line 1,000 yards long bearing 88 from Bonnet Point to the shore at Austin Hollow; east of a line bearing 183 from Dutch Island Light; and south of a line ranging 302 through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(3) *Anchorage J.* At Saunderstown, south of a line ranging 110 from the south side of the ferry wharf toward the cable crossing sign on Dutch Island; west of a line ranging 192 from Plum Beach Shoal Buoy 1 PB toward the east shore of The Bonnet; and north of a line from the shore ranging 108 toward Dutch Island Light and the north end of the wharf at Beaver Head.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage K.* In the central and southern portion of Dutch Island Harbor, north of a line ranging 106° from Beaver Head Point Shoal Buoy 2 toward the Jamestown standpipe; east of a line ranging 14° from Beaver Head Point Shoal Buoy 2 toward the inshore end of the engineer wharf, Dutch Island; southeast of a line ranging 50° from Dutch Island Light toward the windmill north of Jamestown; and south of a line parallel to and 100 yards southwesterly from a line ranging 132° from the engineer wharf, Dutch Island, and the west ferry wharf, Jamestown.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage L.* North of a line ranging 101° from a point on shore 300 yards northerly of the Saunderstown ferry wharf toward the entrance to Round Swamp, Conanicut Island; west of a line bearing 15° parallel to and 1,000 feet westerly from a line joining the western point of Dutch Island and Twenty-three Foot Rock Buoy 4, and a line ranging 6° from Dutch Island Light toward Warwick Light; and south of a line ranging 290° from Sand Point, Conanicut Island, to Wickford Harbor Light, and a line bearing 226° from Wickford Harbor Light to Poplar Point tower.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(6) *Anchorage M.* East and north of Dutch Island, northeast of a line ranging 316° from the inshore end of the west ferry wharf, Jamestown, toward the north end of Dutch Island to a point bearing 88°, 200 yards, from the engineer wharf, Dutch Island, thence ranging 3° toward the shore of Conanicut Island at Slocum Ledge; north of a line 200 yards off the Dutch Island shore ranging 281° from the entrance to Round Swamp toward a point on shore 300 yards northerly from the Saunderstown ferry wharf; east of a line ranging 15° from the western point of Dutch Island to Twenty-three Foot Rock Buoy 4; and south of a line bearing 77° from Twenty-three Foot Rock Buoy 4 to the shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(7) *Anchorage N.* West of the north end of Conanicut Island, south of a line bearing 262° from Conanicut Island Light; east of a line bearing 8° from Twenty-three Foot Rock Buoy 4; and north of a line ranging 290° from Sand Point toward Wickford Harbor Light.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(c) *Bristol Harbor*—(1) *Anchorage O.* South of the south line of Franklin Street extended westerly; west of a line bearing 164°30′ parallel to and 400 feet westerly from the State harbor line between Franklin and Constitution Streets, and of a line ranging 244° from a point on the north line of Constitution Street extended 400 feet beyond the State harbor line toward Usher Rock Buoy 3; and north of the north line of Union Street extended to the Popasquash Neck shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(d) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the entrances to Narragansett Bay, in Newport Harbor, or in Bristol Harbor, outside of the anchorage areas defined in paragraphs (a), (b) and (c) of this section.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(3) Any vessel anchoring under the circumstances of great emergency outside the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier, nor impede the movement of any

boat, and shall move away immediately after the emergency ceases, or upon notification by an officer of the Coast Guard.

(4) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(5) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); Sec. 6(g)(1), 80 Stat. 937 (49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-5, 33 FR 8595, June 12, 1968; CGFR 68-166, 34 FR 2112, Feb. 13, 1969; CGD 76-104, 44 FR 21791, Apr. 12, 1979]

### § 110.147 New London Harbor, Conn.

(a) *The anchorage grounds*—(1) *Anchorage A (Naval).* In the Thames River east of Shaws Cove, bounded by lines connecting points which are the following bearings and distances from Monument, Groton (latitude 41°21'18", longitude 72°04'48"): 243°, 1,400 yards; 246°, 925 yards; 217°, 1,380 yards; and 235°, 1,450 yards.

(2) *Anchorage B.* In the Thames River southward of New London, bounded by lines connecting points which are the following bearings and distances from New London Harbor Light (latitude 41°18'59", longitude 72°05'25"): 2°, 2,460 yards; 9°, 2,480 yards; 26°, 1,175 yards; and 8°, 1,075 yards.

(3) *Anchorage C.* In the Thames River southward of New London Harbor, bounded by lines connecting a point bearing 100°, 450 yards, from New London Harbor Light, a point bearing 270°, 575 yards, from New London Ledge Light (latitude 41°18'21", longitude 72°04'41"), and a point bearing 270°, 1,450 yards, from New London Ledge Light.

(4) *Anchorage D.* In Long Island Sound approximately two miles west-southwest of New London Ledge Light, bounded by lines connecting points which are the following bearings and distances from New London Ledge Light: 246°, 2.6 miles; 247°, 2.1 miles; 233°, 2.1 miles; and 235°, 2.6 miles.

(b) *The regulations*—(1) Anchorage A is for barges and small vessels drawing less than 12 feet. This anchorage shall be used only by naval vessels, and by other vessels holding special permits issued by the Captain of the Port when he finds that such special permits to anchor are not inimical to the requirements of the Navy.

(2) Except in emergencies, vessels shall not anchor in New London Harbor or the approaches thereto outside the anchorages defined in paragraph (a) of this section unless authorized to do so by the Captain of the Port.

### § 110.148 Johnsons River at Bridgeport, Conn.

(a) *The anchorage grounds.* In Johnsons River, beginning at a point "A" latitude 41°10'12.3", longitude 73°09'50.2"; thence westerly to a point "B" latitude 41°10'12.3", longitude 73°09'52.1"; thence southwesterly to point "C" latitude 41°10'10", longitude 73°09'54.9"; thence south southwesterly to point "D" latitude 41°10'05", longitude 73°09'56.1"; thence southeasterly to point "E" latitude 41°10'04", longitude 73°09'55.9"; thence northeasterly to point "F" latitude 41°10'05", longitude 73°09'54.5"; thence northerly to point "G" latitude 41°10'05.8", longitude 73°09'54.5"; thence northeasterly to the point of beginning.

(b) *The regulations.* The anchorage is for use by commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings will be allowed. The anchoring of vessels and placing of temporary anchors or mooring piles are under the jurisdiction of the local harbor master. Fixed mooring piles or stakes will not be allowed.

### § 110.150 Block Island Sound, N.Y.

(a) *The anchorage ground.* A ¾- by 2-mile rectangular area approximately 3 miles east-northeast of Gardiners Island with the following coordinates: latitude 41°06′12″ N., longitude 72°00′05″ W., latitude 41°07′40″ N., longitude 72°01′54″ W.; latitude 41°08′12″ N., longitude 72°01′10″ W.; latitude 41°06′46″ N., longitude 71°59′18″ W.

(b) *The regulations.* This anchorage ground is for use of U.S. Navy submarines. No vessel or person may approach or remain within 500 yards of a U.S. Navy submarine anchored in this anchorage ground.

[CGFR 70-114A, 36 FR 5604, Mar. 25, 1971]

### § 110.155 Port of New York.

(a) *Long Island Sound*—(1) *Anchorage No. 1.* Southwest of a line between Neptune Island and Glen Island ranging from Aunt Phebe Rock Light and tangent to the north edge of Glen Island; southwest of a line tangent to the northeast edge of Glen Island and Goose Island breakwater; southwest of a line bearing southeasterly from the southwest end of Goose Island breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; west of a line ranging from the east edge of Goose Island breakwater to the west edge of the north end of Hart Island; west of Hart Island; and northwest of a line extending from Hart Island Light to Locust Point; excluding from this area, however, (i) the waters northeast of a line ranging 303° from the southwest end of Hart Island; northwest of a line ranging from the water tank at the north end of Davids Island 207°40′ to the northwest end of City Island; and south of latitude 40°52′12″; and (ii) the waters west of Hunter Island; and south of a line ranging from the most southerly end of Glen Island tangent to the most northerly end of Hunter Island.

(i) Boats shall not anchor in this area in buoyed channels.

(ii) Boats shall be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(2) *Anchorage No. 1-A.* Southwest of a line ranging from Duck Point, Echo Bay, through Bailey Rock Lighted Buoy 3 BR; northwest of a line ranging from Hicks Ledge Buoy 2H to Old Tom Head Rocks Buoy 4; and north of a line ranging from Old Tom Head Rocks Buoy 4 to the southernmost point of Davenport Neck.

NOTE: The special anchorage area in this anchorage is described in § 110.60(b-1).

(3) *Anchorage No. 1-B.* West of a line ranging from the point on the southwest side of the entrance to Horseshoe Harbor, Larchmont, to Hicks Ledge Buoy 2H; north of a line ranging from Hicks Ledge Buoy 2H to Duck Point; and in Echo Bay north and west of the channel.

NOTE: The special anchorage area in this anchorage is described in § 110.60(b-1).

(4) *Anchorage No. 2.* West of a line from Locust Point tangent to the northeasterly sea wall at Throgs Neck.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(5) *Anchorage No. 3.* Northeast of a line from the south side of Barker Point to Gangway Rock Bell Buoy 27; southeast of a line from Gangway Rock Bell Buoy 27 to Sands Point Reef Lighted Buoy 25; and southwest of a line from Sands Point Reef Lighted Buoy 25 through Sands Point Light to Sands Point.

(6) *Anchorage No. 4.* Manhassett Bay, excluding the seaplane restricted area described in § 207.35; and that portion of Long Island Sound northeast of a line ranging from Stepping Stones Light through Elm Point Buoy 2 to Elm Point; southeast of a line ranging from Stepping Stones Light to Gangway Rock Bell Buoy 27; and southwest of Anchorage No. 3.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(7) *Anchorage No. 5.* In Little Neck Bay; and east of a line ranging from Fort Totten flagpole to Hart Island Light; and south of Anchorage No. 4.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(b) *East River*—(1) *Anchorage No. 6.* On Hammond Flats north of a line bearing 260° from the head of the pier on Throgs Neck at the foot of Pennyfield Avenue to the north tower of Bronx-Whitestone Bridge at Old Ferry Point.

(2) *Anchorage No. 7.* South of a line from Whitestone Point to the outer end of Willets Point Wharf.

(3) *Anchorage No. 8.* North of a line bearing 259° between the north tower of the Bronx-Whitestone Bridge at Old Ferry Point and a point at latitude 40°47′57″, longitude 73°52′16″; thence east of a line bearing 0° to latitude 40°48′06″; thence southeast of a line parallel to the bulkhead extending northeasterly to latitude 40°48′20″; thence north of a line bearing 296° to shore.

(4) *Anchorage No. 9.* East of a line from College Point Reef Light tangent to the west side of College Point; and south of a line from College Point Reef Light to Whitestone Point.

(5) *Anchorage No. 10* An area in Flushing Bay, beginning at a point on shore at La Guardia Airport at latitude 40°46′49″, longitude 73°52′21″; thence to latitude 40°47′20″, longitude 73°51′55″; and thence to a point on shore at College Point at latitude 40°47′38″, longitude 73°51′15″; and an area on the west side of Bowery Bay, beginning at a point on shore at latitude 40°46′58″, longitude 73°53′46″; thence to latitude 40°47′03″, longitude 73°53′39″; thence to latitude 40°47′00″, longitude 73°53′31″; thence to latitude 40°46′55″, longitude 73°53′32″; and thence to a point on shore at latitude 40°46′49″, longitude 73°53′39″.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(6) *Anchorage No. 11.* An area in East River beginning at a point on a pierhead at latitude 40°47′55″, longitude 73°53′19.5″; thence to latitude 40°47′40″, longitude 73°51′58″; and thence to a point on shore at latitude 40°47′16″, longitude 73°52′15″.

(7) [Reserved]

(8) *Anchorage No. 14.* In Hallets Cove, east of a line from a point on shore 100 feet west of the southerly prolongation of 2d Street, Astoria, to Gibbs Point.

(c) *Hudson River*—(1) *Anchorage No. 16.* North of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, New Jersey; west of a line ranging 25° from a point 120 yards east of the east end of said pier to a point (500 yards from the shore and 915 yards from the Fort Lee flagpole) on a line ranging approximately 100°22′ from the Fort Lee flagpole toward the square chimney on the Medical Center Building at 168th Street, Manhattan; and south of said line ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building.

(i) When the use of Anchorage No. 16 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(2) *Anchorage No. 17.* North of a line bearing 66° from shore to a point at latitude 40°51′34″, longitude 73°56′54″; thence west of a line bearing 29° to latitude 40°52′27″, longitude 73°56′16″; thence 20° to latitude 40°54′17″, longitude 73°55′23″; thence 15° to latitude 40°56′20″, longitude 73°54′39″; thence south of a line bearing 284° to shore.

(i) When the use of Anchorage No. 17 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(3) *Anchorage No. 18-A.* East of lines bearing 8° from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on line with the New York Central Railroad signal bridge at the foot of West 231st Street, extended, at Spuyten Duyvil, Bronx, New York; thence bearing 19° to the channelward face of the Mount St. Vincent Dock at the foot of West 261st Street, Riverdale, Bronx, New York.

(i) When the use of Anchorage No. 18—A is required by naval vessels the vessels anchored therein shall move when the Captain of the Port directs them.

(4) *Anchorage No. 18-B.* North of the south side of West 181st Street, prolonged; east of a line ranging 28° from the northwest corner of the east tower of George Washington Bridge and tangent to the east shore of the river at Inwood Hill Park; and south of the prolongation of the south side of Dyckman Street, Manhattan, New York, where it passes beneath the tracks of the New York Central Railroad.

(i) When the use of Anchorage 18—B is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(5) *Anchorage No. 19.* An area located east of the Weehawken-Edgewater Channel beginning at a point on the Manhattan shoreline at latitude 40°46′47.8″ N., longitude 73°59′22.3″ W.; thence to latitude 40°46′59.8″ N., longitude 73°59′52.8″ W.; thence to latitude 40°47′42.5″ N., longitude 73°59′18″ W.; thence to latitude 40°48′27″ N., longitude 73°58′45.5″ W.; thence to latitude 40°49′28″ N., longitude 73°58′06.2″ W.; thence to latitude 40°50′15.5″ N., longitude 73°57′18″ W.; thence to latitude 40°51′02.3″ N., longitude 73°56′59″ W.; thence to a point on the Manhattan shoreline at latitude 40°51′00.8″ N., longitude 73°56′51″ W.; thence following the shoreline to the point of beginning.

(i) No vessel may anchor in Anchorage No. 19 without permission from the Captain of the Port.

(ii) Each vessel shall report its position within Anchorage No. 19 to the Captain of the Port immediately after anchoring.

(iii) No vessel may conduct lightering operations in Anchorage No. 19 without permission from the Captain of the Port.

(iv) When the use of Anchorage No. 19 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(v) No vessel over 800 feet, in length overall, or 40 feet in draft may anchor in Anchorage No. 19 unless it notifies the Captain of the Port at least 48 hours before it arrives in New York Harbor.

(d) *Upper Bay*—(1) *Anchorage No. 20.* Northeast of Ellis Island; southeast of a line ranging approximately 51°15′ from the northwest corner of Ellis Island toward the end of Central Railroad of New Jersey Pier No. 7; south of a line ranging approximately 96°20′ from the southeast corner of Central Railroad of New Jersey Pier No. 11, toward the outer end of the Staten Island Ferry rack on the Manhattan shore; west of a line ranging approximately 183°30′ from the southeast corner of Lehigh Valley Railroad Pier "A" to latitude 40°41′54.3″, longitude 74°01′59″; and north of a line ranging approximately 85°10′ from the southeast corner of the northerly half of Ellis Island toward the outer end of the Staten Island Ferry rack on the Manhattan shore.

(i) No vessel shall cast anchor within this area south of the northerly limit of the cable area shown on United States Coast and Geodetic Survey Chart No. 745, between Ellis Island and the Manhattan shore.

(2) *Anchorage No. 20-A.* South of a line bearing 102° and ranging between the southeast corner of the southerly half of Ellis Island and Governors Island Light; west of a line bearing 194°30′ from latitude 40°41′42″, longitude 74°02′02″, to Main Channel Lighted Bell Buoy 31, thence 206° to latitude 40°40′05″, longitude 74°02′55″; and north of a line extended and ranging 313° through Claremont Terminal Channel Buoy 2 and the northeast corner of Caven Point Pier.

(i) The portion of Anchorage No. 20-A which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloe's Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 and the northerly prolongation of that line is set aside as a temporary anchorage for vessels arriving in and leaving port. No vessel shall occupy this anchorage for a longer period than 72 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(3) *Anchorage No. 20-B.* South of a line bearing 129° from the southeast corner of Pennsylvania Railroad pier "B", Greenville Terminal, to the center of the south pier of the Bethle-

hem Steel Company Drydock, Brooklyn; west of a line bearing 206° from latitude 40°39′50″, longitude 74°03′05″, to latitude 40°39′31.5″, longitude 74°03′17″; north of a line bearing 121° and ranging from New Jersey Pierhead Channel North Entrance Buoy 15 to the northwest corner of Pier 3, Brooklyn; west of a line bearing 204°30′ and ranging from Bayonne Terminal Lighted Buoy 1 through Robbins Reef Lighted Bong Buoy 27 and Coast Guard Depot North Dock Light, St. George, Staten Island; north of a line ranging 262° from Robbins Reef Lighted Gong Buoy 27; and northeast of the channel approach to the north side of Constable Point.

(i) The portion of Anchorage No. 20-B which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloe's Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 is set aside as a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this area, ordinarily for not more than 24 hours, when the anchorage will not be needed for naval vessels. Commercial vessels so anchored shall be moved at their own expense whenever the anchorage is needed for naval vessels.

(4) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloe's Island, to the Greenville and Claremont Terminals, or in the New Jersey Pierhead Channel or near the entrances to said channels so as to obstruct the approaches or interfere in anyway with the free navigation thereof.

(5) *Anchorage No. 21. (Bay Ridge Anchorage).* An area located at the junction of Bay Ridge and Anchorage Channels, beginning at a point of latitude 40°38′03″ N., longitude 74°02′49.5″ W.; thence to latitude 40°38′03″ N., longitude 74°03′02″ W.; thence to latitude 40°38′57″ N., longitude 74°03′10″ W.; thence to latitude 40°40′22.5″ N., longitude 74°02′14.5″ W.; thence to latitude 40°40′19.5″ N., longitude 74°01′28″ W.; thence to latitude 40°39′49″ N., longitude 74°01′23″ W.; thence to latitude 40°38′42″ N., longitude 74°02′32.5″ W.; thence to the point of beginning. Anchorage No. 21 is divided into Anchorage No. 21-A, Anchorage No. 21–B, and Anchorage No. 21–C.

(5 A) *Anchorage No. 21–A.* That portion on Anchorage No. 21, north of a line of latitude 40°39′09″ N., and east of a line connecting a point at latitude 40°39′09″ N., longitude 74°02′22″ W., and latitude 40°40′20″ N., longitude 74°01′35″ W. Any vessel anchored in or intending to anchor in Anchorage 21-A shall comply with the following requirements.

(i) No vessel may anchor unless it notifies the Captain of the Port when it anchors, of the vessel's name, length, and draft and its position in the anchorage.

(ii) Each vessel anchored shall notify the Captain of the Port when it weighs anchor.

(iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins its lightering operations.

(iv) Each vessel lightering shall notify the Captain of the Port when it ends its lightering.

(v) No vessel may anchor unless it maintains a bridge watch, guards and answers channel 16 FM, and maintains an accurate position plot.

(vi) If any vessel is so close to another that a collision is probable, each vessel shall communicate with the other vessel and the Captain of the Port on channel 16 FM, and shall act to eliminate the close proximity situation.

(vii) No vessel may anchor unless it maintains the capability to get under way within 30 minutes, without permission from the Captain of the Port.

(viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal control) without permission from the Captain of the Port.

(ix) Each vessel in a "dead ship" status while lightering shall engage a tug alongside during tide changes. The tug alongside may assume the channel 16 FM radio guard for the vessel after it notifies the Captain of the Port.

(x) No vessel over 800 feet in length overall or 40 feet in draft may anchor unless it notifies the Captain of the Port at least 48 hours before it arrives in New York Harbor.

(5-B) *Anchorage No. 21-B.* That portion of Anchorage No. 21 north of a line drawn from latitude 40°39′14.3″ N., longtitude 74°02′59″ W. to latitude 40°38′43.9″ N., longitude 74°02′30.5″ W. and exclusive of the above designated Anchorage No. 21-A area.

(i) No vessel with a draft 3.048m (10 feet) or less may anchor in Anchorage No. 21-B.

(ii) Any vessel anchored in or intending to anchor in Anchorage 21-B must comply with the regulations for Anchorage No. 21-A (§ 110.155(d) (5-A) (i)-(x)).

(5-C) *Anchorage No. 21-C.* That portion of Anchorage No. 21 south of a line drawn from latitude 40°39′14.3″ N., longitude 74°02′59″ W. to latitude 40°38′43.9″ N., longitude 74°02′30.5″ W.

(i) No vessel with a draft of 10.058m (33 feet) or less may anchor in Anchorage No. 21-C.

(ii) Any vessel anchored in or intending to anchor in Anchorage 21-C must comply with the regulations for Anchorage No. 21-A (§ 110.155(d) (5-A)(i)-(x)).

(6) *Anchorage No. 23 (Stapleton Anchorage).* An area located west of the Anchorage Channel beginning at a point of latitude 40°38′36.5″ N., longitude 74°04′13.3″ W.; thence to latitude 40°38′37″ N., longitude 74°03′49″ W.; thence to latitude 40°38′22″ N., longitude 74°03′36″ W.; thence to latitude 40°37′26.8″ N., longitude 74°03′18″ W.; thence to latitude 40°37′23.2″ N., longitude 74°03′59″ W.; thence to latitude 40°37′30.7″ N., longitude 74°04′04.5″ W.; thence to the point of beginning. Anchorage No 23 is divided into Anchorage No. 23-B.

(6-A) *Anchorage No. 23-A.* That portion of Anchorage No. 23, north of a line bearing 090° T from the northermost corner of Pier 12, Staten Island at latitude 40°37′49.5″ N., longitude 74°04′10.4″ W.

(i) No vessel may anchor in Anchorage No. 23-A for a period longer than 48 hours without permission from the Captain of the Port.

(ii) No vessel with a length overall of more than 670 feet may anchor in anchorage No. 23-A unless otherwise authorized by the Captain of the Port.

(iii) No vessel with a draft of 40 feet or over may anchor in Anchorage No. 23-A without permission from the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage 23-A shall comply with the regulations for Anchorage No. 21-A (§ 110.155(d)(5-A (i)-(x)).

(6-B) *Anchorage No. 23-B.* That portion of Anchorage No. 23, south of a line bearing 090° T from the northernmost corner of Pier 12, Staten Island at latitude 40°37′49.5″ N., longitude 74°04′10.4″ W.

(i) No vessel may anchor in Anchorage No. 23-B for a period longer than 48 hours without permission from the Captain of the Port.

(ii) No vessel with a length overall of 670 feet or less may anchor in anchorage No. 23-B, unless otherwise authorized by the Captain of the Port.

(iii) No vessel with a draft of 40 feet or over may anchor in Anchorage No. 23-B without permission from the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage 23-B shall comply with the regulations for Anchorage No. 21-A (§ 110.155(d)(5-A)(i)-(x)).

(7) *Anchorage No. 24 (Stapleton Anchorage South).* An area located west of the Anchorage Channel beginning at a point of latitude 40°37′23.2″ N., longitude 74°03′59″ W.; thence to latitude 40°37′26.8″ N., longitude 74°03′18″ W.; thence to latitude 40°36′25″ N., longitude 74°02′58″ W. thence to a point on the Staten Island shoreline at

latitude 40°36′20″ N., longitude 70°03′14″ W.; thence to the point of beginning.

(i) No vessel may anchor in Anchorage No. 24 for a period longer than 48 hours without permission from the Captain of the Port.

(ii) No vessel with a length overall of less than 800 feet (243.840 meters) or with a draft of less than 40 feet (12.192 meters) may anchor in Anchorage No. 24.

(iii) No vessel with a draft of 40 feet or over may anchor in Anchorage No. 24 without permission from the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage No. 24 shall comply with the regulations for Anchorage No. 21-A (§ 110.155(d) (5-A) (i)-(x)).

(e) *Anchorage No. 25 (Gravesent Bay).* All area located east of Ambrose Channel beginning at a point on the Conely Island shoreline at latitude 40°34′36″ N., longitude 74°00′47″ W.; thence to latitude 40°34′53″ N., longitude 74°01′56.5″ W.; thence to latitude 40°35′24″ N., longitude 74°02′05″ W.; thence to latitude 40°35′58″ N., longitude 74°02′18.5″ W.; tnence to a point on the Brooklyn shoreline at latitude 40°36′12.9″ N., longitude 74°01′24.2″ W.; thence following the shoreline to latitude 40°36′06.8″ N., longitude 74°00′543.5″ W.; thence to latitude 40°34′53.8″ N., longitude 74°00′23.5″ W.; thence following the shoreline to the point of beginning.

(i) When the use of Anchorage No. 25 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(ii) Any vessel anchored in or intending to anchor in Anchorage No. 25 must comply with the regulations for Anchorage No. 21-A (§ 110.155(d) (5-A)(i)-(x)).

(f) *Lower Bay—*(1) *Anchorage No. 26.* In Sandy Hook Bay south of a line extending from Point Comfort to Sandy Hook Point Light.

NOTE: Anchorages Nos. 49 F and 49 G in this area are reserved for vessels carrying explosives (see paragraph (m) (4) and (5) of this section) and are excluded from use as general anchorages.

(i) Pleasure or commercial craft may not navigate or moor within 750 yards of the Naval Ammunition Depot Pier at Leonardo, New Jersey, nor anchor in the approach channel or the turning basin adjacent thereto.

(ii) When immediate action is required and representatives of the Coast Guard are not present in sufficient force to exercise effective control of shipping, the Commanding Officer of the Naval Ammunition Depot at Earle, New Jersey, may control the anchorage or movement of any vessel, foreign or domestic, to the extent he deems necessary to insure the safety and security of his command.

(2) *Anchorage No. 27—*(i) *Atlantic Ocean.* Beginning at Sandy Hook Light 15 to latitude 40°28′52″, longitude 74°00′03″; thence to latitude 40°28′41″, longitude 73°58′54″; thence to latitude 40°25′58″, longitude 73°55′00″; thence 180° to latitude 40°23′46″, thence 270° toward Highland Light and Sandy Hook shore; thence following the easterly shoreline of Sandy Hook to the point of beginning.

(ii) *Romer Shoal.* Beginning at latitude 40°27′30″, longitude 73°55′00″; thence due north to latitude 40°29′05″; thence to latitude 40°31′25″, longitude 74°00′55″; thence to latitude 40°32′11″, longitude 74°01′41″; thence to latitude 40°32′12″, longitude 74°02′07″; thence 180° to latitude 40°31′27″; thence to latitude 40°30′13″, longitude 74°00′07″; thence to the point of beginning.

(iii) *Flynns Knoll.* Beginning at Sandy Hook Channel Lighted Bell Buoy 18; thence along the north side of Sandy Hook Channel to Sandy Hook Channel Lighted Buoy; thence along the southwest side of Swash Channel to Junction Buoy; thence along the east side of Chapel Hill Channel to Chapel Hill Channel Buoy 2; and thence to the point of beginning.

(3) *Anchorage No. 28.* West of lines bearing 154°30′ from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy 19A, thence in succession to the buoys marking the east side of West

Bank and the buoys on the west side of Chapel Hill Channel to Southwest Spit Junction Lighted Gong Buoy, thence 182° to a line extending from Sandy Hook Point Light to Point Comfort; north of the latter line and the New Jersey shore; and east of a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4, to the Staten Island shore; excluding from this area, however, (i) the waters west of a line ranging from the stack on Hoffman Island 344° through the northeast corner of the T-shaped pier at South Beach; northwest of a line ranging from Great Kills Light 39° and tangent to the offshore face of the T-shaped pier at Midland Beach; and northeast of a line ranging from the stack on Swinburne Island 301° to the shore end of the north jetty at New Creek; and (ii) the waters west of a line ranging from Conover Light at Leonardo, New Jersey, 340° through Old Orchard Shoal Light; northwest of a line bearing 230° from the stack on Hoffman Island; and northeast of a line ranging from Great Kills Light 332° through Marine Park Light at Crooks Point.

NOTE: A special anchorage area in this anchorage is described in § 110.60(r-1).

(g) [Reserved]

(h) *Newark Bay*—(1) *Anchorage No. 34.* South of the bridge of the Central Railroad Company of New Jersey; west of lines from a point on the bridge 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy 5, thence to the east end of the dike north of Shooters Island; north of the dike and a line ranging from the west end of the dike through Kill Van Kull Light 18 and Kill Van Kull Buoy 20; and east of a line 250 feet east of and parallel to the Singer Manufacturing Company bulkhead.

NOTE: A portion of this general anchorage is described as a special anchorage in § 110.60(r).

(2) [Reserved]

(3) *Anchorage No. 36.* South of Port Newark Terminal Channel; west of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey Bridge; and north of said bridge.

(4) *Anchorage No. 37.* North of the Central Railroad of New Jersey bridge; east of a line ranging from a point 200 yards east of the east pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of the latter bridge.

NOTE: A portion of this general anchorage is described as a special anchorage in § 110.60(q).

(5) *Anchorage No. 38.* North of the Pennsylvania-Lehigh Valley Railroad bridge; east of lines ranging through a point 200 yards east of the east end of the lift span of the said bridge and the red channel buoys marking the dredged channel in Newark Bay and Hackensack River; and south of the Central Railroad Company of New Jersey bridge.

(6) *Anchorage No. 39.* Between the entrance channels of the Hackensack and Passaic Rivers, northwest of lines from the abutment of the Central Railroad of New Jersey bridge on the west side of the Hackensack River to Hackensack River Light 1, and thence to Newark Bay Light 5, and east of a line from said light ranging toward the southeast corner of the Texas Company wharf, and of a line ranging from the southeast corner of Gross Wharf to the abutment and end of fill of the Central Railroad of New Jersey bridge on the east side of the Passaic River.

(i) *Arthur Kill*—(1) *Anchorage No. 41.* The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Travis, Staten Island.

(2) *Anchorage No. 42.* East of lines ranging from the head of the Tottenville Shipyard Company pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore, thence to Arthur Kill Light 10, thence to Arthur Kill Light 14, and thence to Arthur

Kill Lighted Buoy 16; and south of a line from thence to Smoking Point.

(j) *Raritan Bay*—(1) *Anchorage No. 44*. An area in Raritan Bay located at the junction of Arthur Kill and Raritan River, beginning at a point at latitude 40°30′07″, longitude 74°15′13″; thence to latitude 40°30′01″, longitude 74°15′30″; thence to latitude 40°29′27″, longitude 74°15′06″; thence to latitude 40°29′24″, longitude 74°15′01″; thence to latitude 40°29′15″, longitude 74°14′55″; thence to latitude 40°29′14″, longitude 74°15′25″; thence to latitude 40°29′48″, longitude 74°15′48″; and thence to the point of beginning.

(i) The anchorage is restricted to deep-draft vessels except that barges may moor in that portion of the anchorage southerly of latitude 40°29′22″.

(ii) No vessel shall occupy the deep-draft portion of the anchorage for a longer period than 48 hours without a permit from the Captain of the Port.

(2) *Anchorage No. 45*. West of the Raritan Bay Channel leading into Arthur Kill; north of the Raritan River Channel leading into Raritan River; and east of the Cutoff Channel between Raritan River and Arthur Kill, except that part of the said area occupied by Anchorage No. 44.

(3) *Anchorage No. 45-A*. West of the Cutoff Channel between Raritan River and Arthur Kill; north of the Raritan River Channel; east of the New York and Long Branch Railroad bridge; and north of the Raritan River Channel to the prolongation of Market Street, Perth Amboy, New Jersey, in Arthur Kill.

(4) *Anchorage No. 46*. West of the west limit of Anchorage No. 28, as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4 to the Staten Island shore; north of Raritan Bay Channel as defined by the buoys and lights marking the north side of the channel, including Princess Bay; northeast of Raritan Bay Channel leading into Arthur Kill; and south of a line bearing 243° from the gable of a house at Ward Point, Staten Island.

(5) *Anchorage No. 47*. South of the Raritan River Channel from opposite the Sun Oil Company pier at South Amboy to Raritan River Buoy 3; thence south of a line in the direction of Boundary Daybeacon to latitude 40°28′48.5″, longitude 74°14′31.6″; thence south of lines through Raritan Bay Light 7B, Raritan Bay Light 3A, and the buoys marking the south side of Raritan Bay Channel Off Seguine Point to the west limit of Anchorage No. 28 as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier through Great Kills Flat Buoy 4 to the Staten Island shore; and west of the latter line.

(i) Vessels shall not anchor in the channel to Keyport Harbor west of lines ranging from Keyport Channel Buoy 1 to Keyport Channel Buoy 9, thence through Keyport Channel Buoys 11 and 13 to the northeast corner of the easterly steamboat wharf; and east of a line extending from a point 400 yards west of Keyport Channel Buoy 1 tangent to the west shore at the mouth of Matawan Creek.

NOTE: Anchorage No. 49-D in this area is reserved for vessels carrying explosives (see paragraph (m)(3) of this section) and is excluded from use as a general anchorage.

(k) [Reserved]

(l) *General regulations*. (1) Except in cases of great emergency, no vessel shall be anchored in the navigable waters of the Port of New York outside of the anchorage areas established in this section, nor cast anchor within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or vessel in such manner as to obstruct or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, or slips.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released, unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchors of all vessels must be placed well within the anchorage areas, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) The Captain of the Port may grant a revocable permit for the habitual maintenance and use of a given mooring space in an anchorage area. Application information for a mooring permit is available from:

Captain of the Port, Mooring Permit Section, Building 109, Governors Island, New York, N.Y. 10004.

(i) A mooring permit is issued to an individual, for his exclusive use, of a specific mooring, of a specific type, at a specific location, for a specific vessel.

(ii) Mooring permits shall expire on April 30 of the year after issuance.

(iii) Mooring permits are not transferable.

(iv) Moorings are shown on the large scale chart which may be seen at the office of the Captain of the Port—New York.

(v) Mooring anchor, chain, and pendant (if applicable) requirements are shown in Table 110.155(l)(7). These requirements may be waived or modified by the Captain of the Port upon written request from the applicant for such waiver or modification.

(vi) The mooring buoy shall be white in color with the Captain of the Port mooring permit number, in black letters, clearly visible at all times. The buoy is to extend not less than 1 foot above the surface of the water at all times, exclusive of flagstaffs, rings, quick pickup devices, etc.

(vii) All required equipment shall be provided by, installed by, and remain the property of the permit holder.

(viii) Mooring equipment should be raised at least every 2 years, inspected for deterioration and replaced if necessary.

(ix) Each person holding a mooring permit shall make what the Captain of the Port—New York considers reasonable use of the mooring. Nonuse of a mooring up to 30 days during the boating season is deemed reasonable.

(x) Moorings for which permits have expired without renewal or have been revoked by the Captain of the Port—New York shall be removed by the owner within 10 days of such expiration or revocation.

(xi) Granting of a Captain of the Port—New York mooring permit does not give a right of access across private property. Arrangements for access shall be made by the permit holder.

(xii) Each person to whom a Captain of the Port—New York mooring permit is issued agrees to hold harmless the United States, its officers, agents, and employees, for any death, personal injury, or damage which may result from the use of the permit or the rights granted under the permit.

(xiii) No vessel shall continuously occupy a mooring when a vessel in regular traffic requires the berth or when navigation would be menaced or inconvenienced thereby.

(xiv) No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. Nor shall any vessel moored to a buoy authorized by a Captain of the Port—New York permit be moored such that any portion of that vessel comes within 50 feet of a marked or dredged channel.

(xv) No vessel shall be navigated within the limits of an anchorage at speed exceeding 6 knots when in the vicinity of a moored vessel.

(xvi) In an emergency the Captain of the Port may shift the position of any unattended vessel moored in or near any anchorage.

Table 110.155(l)(7)

| Vessel length, in feet | Anchor weight, in pounds | Anchor type | Anchor scope | Chain size in inches | Pendant length in feet | Pendant safe working load minimum |
|---|---|---|---|---|---|---|
| 15 or less | 100 | Mushroom or navy | 3x MHW | [illegible] | 4 | 4x anchor weight |
| Greater than 15 but not greater than 21 | 150 | Mushroom or navy | 3x MHW | [illegible] | 8 | Do |
| Greater than 21 but not greater than 26 | 200 | Mushroom or navy | 3x MHW | [illegible] | 10 | Do |
| Greater than 26 | 10 per foot of vessel length | Mushroom or navy | 3x MHW | [illegible] for anchor of 400 [illegible] or less [illegible] if greater than 400 [illegible] | 10 | Do |

(8) Barge dispensing stations and stake boats may be anchored in such places as the Captain of the Port may designate.

(9) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables legally established, or plant engaged in dredging operations, to anchor within channels of the Port of New York. Permit issued by the Captain of the Port is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(10) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel or obstruct or interfere with range lights and of any vessel which, lying at the exterior end of a pier or alongside an open bulkhead, obstructs or endangers the passage of vessels in transit by, or to or from, adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips.

(11) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, shall get under way at once or signal for a tug, and shall change position as directed, with reasonable promptness.

(12) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(13) Any vessel prohibited by these rules from anchoring in a specific anchorage because of the vessel's length or draft may anchor in the anchorage with permission from the Captain of the Port.

(m) *Anchorages for vessels carrying explosives.*

(1) [Reserved]

(2) *Anchorage No. 49-F (emergency naval anchorage).* That portion of

Sandy Hook Bay bounded by a line bearing 170°, 3,800 yards, from a point bearing 281°30′, 2,050 yards from Sandy Hook Light; thence 260°, 500 yards; thence 350°, 3,800 yards; thence 080°, 500 yards, to the point of beginning.

(i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(ii) No pleasure or commercial craft shall navigate or moor within this area at any time when naval vessels which are moored in the area display a red flag by day or a red light by night.

(3) *Anchorage No. 49-G (naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 208°, 1,350 yards, from a point bearing 292°30′, 3,600 yards, from Sandy Hook Light; thence 298°, 620 yards; thence 002°, 1,250 yards; thence 107°, 1,150 yards, to the point of beginning.

(i) No pleasure or commercial craft shall navigate or moor within this area at any time when vessels which are moored in the area display a red flag by day or a red light by night.

(n) *Regulations for explosive anchorages.* (1) Anchorages Nos. 49-C, 49-F, and 49-G are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in paragraph (n)(6) of this section.

(2) A written permit shall be obtained from the Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them; and no vessel shall occupy a berth in such anchorage except by authority of such permit, which permit may be revoked at any time.

(3) Vessels used in connection with loading or unloading explosives on vessels in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. The Captain of the Port may, in his discretion, require every person having business on board vessels which are being loaded with explosives, other than members of the crew, to have a pass from the Captain of the Port in such form as he shall prescribe. Such permit or pass shall be shown whenever required by him or by his authorized agents.

(4) Whenever any vessel not fitted with mechanical power anchors in the explosives anchorages while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(5) Vessels carrying explosives shall comply with the general regulations in paragraph (l) of this section when applicable.

(6) The District Engineer, Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under federal permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such safety instructions together with a copy of his written authorization.

(7) Every vessel loading, unloading, transporting, or containing explosives shall display by day a red flag at least 16 square feet in area at its masthead, or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(8) When local regulations of any place require previous local authority for the transfer of explosives or fireworks between vessels or between a vessel and a wharf or other place ashore, the Captain of the Port will permit the removal from the anchorage of such vessel containing explosives to any place covered by such local regulations only when he is satisfied that the required local authority has been granted.

NOTE: The anchorage in this section are regulated under Title I, Ports and Waterways Safety Act of 1972 as stated in § 110.1a(a) of this Part. The penalties for violating regulations under this Act are stated in § 110.1a(b) of this Part.

(Pub. L. 92-340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n); sec. 7, 39 Stat. 1053, as amended, (33 U.S.C. 471);

Sec. 6(g)(1), 80 Stat. 940, (49 U.S.C. 1655(g)(1)); 49 CFR 1.46(c)(1))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-68, 33 FR 10455, July 23, 1968; CGFR 68-123, 33 FR 17914, Dec. 3, 1968; CGFR 68-138, 33 FR 18438, Dec. 12, 1968; CGFR 68-136, 33 FR 18934, Dec. 19, 1968; CGFR 68-161, 34 FR 743, Jan. 17, 1969; CGFR 68-158, 34 FR 838, Jan. 18, 1969; CGFR 68-150, 34 FR 1381, Jan. 29, 1969; 34 FR 2113, Feb. 15, 1969; CGD 74-194, 41 FR 36019, Aug. 26, 1976; CGD 74-194, 42 FR 17874, Apr. 4, 1977; CGD 77-44, 42 FR 58519, Nov. 10, 1977]

### § 110.156 Randall Bay, Freeport, Long Island, N.Y.

(a) *The anchorage grounds.* Southward of a line 312 feet south of and parallel to the south side of Casino Street; eastward of a line 215 feet east of and parallel to the east side of West Side Avenue, said line extending southerly to a point 233 feet north of the prolonged north side of Clinton Street; northeastward of a line from the last-mentioned point to a point 243 feet southerly of the prolonged south side of Clinton Street and 210 feet east of the east side of Prospect Street; eastward of a line 210 feet east of and parallel to the east side of Prospect Street; northward of a line 25 feet north of and parallel to the prolonged north side of Suffolk Street; westward of a line 210 feet west of and parallel to the west side of South Long Beach Avenue, said line extending northerly to a point 222 feet south of the prolonged south side of Queens Street; southwestward of a line from the last-mentioned point to a point 74 feet northerly of the prolonged north side of Queens Street and 120 feet west of the west side of Roosevelt Avenue; and westward of a line 120 feet west of and parallel to the west side of Roosevelt Avenue.

(b) *The regulations.* (1) When applied for, a berth in this anchorage, if available, may be assigned to any vessel by the Captain of the Port of New York.

(2) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port.

(3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(5) In case of emergencies, the Captain of the Port is authorized to shift the position of any unattended vessel moored in or near the anchorage.

### § 110.157 Delaware Bay and River.

(a) *The anchorage grounds*—(1) *Anchorage A (tanker lightering) off the entrance to Mispillion River.* In Delaware Bay southwest of Brandywine Channel beginning at latitude 38°57′18″ N., longitude 75°10′49″ W.; thence northwesterly to latitude 39°00′17″ N., longitude 75°13′02″ W.; thence southwesterly to latitude 38°59′45″ N., longitude 75°14′06″ W.; thence southeasterly to latitude 38°56′44″ N., longitude 75°11′53″ W.; thence northeasterly to the point of beginning. This anchorage is for the specific purpose of allowing deep draft tankers to anchor and lighten their cargo before proceeding up the Delaware River. Supervision over the anchoring of vessels and over cargo transfer operations in Anchorage A is exercised by the Captain of the Port. The regulations in paragraphs (b) and (b)(2) of this section do not apply to this anchorage.

(2) *Anchorage 1 off Bombay Hook Point.* On the southwest side of the channel along Liston Range, bounded as follows: Beginning at a point (approximately latitude 39°17′59″, longitude 75°23′07″) bearing 228° from Ship John Shoal Light, 167 yards southwest of the southwest edge of the channel along Liston Range; thence 228°, 2,000 yards; thence 318°, 8,000 yards; thence 48°, 2,000 yards; and thence 138°, 8,000 yards, to the point of beginning.

(3) *Anchorage 2 (explosives) northwest of Artificial Island.* On the east side of the channel along Reedy Island Range, bounded as follows: Beginning at a point bearing 105° from the northernmost point of Reedy Island, 167 yards easterly of the east edge of the channel along Reedy Island Range; thence 105°, 800 yards; thence 195°, 4,500 yards; thence 285°, 800 yards, to

a point (approximately latitude 39°28′58″, longitude 75°33′37″) opposite the intersection of Reedy Island and Baker Ranges; and thence 15°, 4,500 yards, to the point of beginning. This anchorage is intended for vessels engaged in the transportation and handling of explosives and other dangerous articles. No vessel not so engaged will be permitted to anchor in this anchorage except in case of emergency or by special permission of the District Commander. For special regulations relating to this anchorage, see paragraph (c) of this section.

NOTE: The term "District Commander" as used in this section means the Commander, Third Coast Guard District, or his authorized representative.

(4) *Anchorage 3 southeast of Reedy Point.* Southeast of the entrance to the Chesapeake and Delaware Canal at Reedy Point, bounded on the east by the west edge of the channel along Reedy Island and New Castle Ranges; on the west by a line beginning at a point on the west edge of the channel along Reedy Island Range at latitude 39°31′43″, thence to a point bearing 168°30′, 3,150 yards, from Chesapeake and Delaware Canal 2 Light, and thence to a point bearing 131°, 1,160 yards, from Chesapeake and Delaware Canal 2 Light; and on the north by a line running from the last-described point 113°30′, approximately 813 yards, to the west edge of the channel along New Castle Range.

(5) *Anchorage 4 north of Reedy Point.* North of the entrance to the Chesapeake and Delaware Canal at Reedy Point, on the west side of the river, bounded as follows: Beginning at a point (approximately latitude 39°33′51″, longitude 75°33′35″) 344°58′ true, 160 yards from Chesapeake and Delaware Canal Light 2; thence 306°26′, 1,442 yards; thence 36°26′, 377 yards; thence 126°26′, 1,442 yards; thence 216°26′, 377 yards to the point of beginning.

(6) *Anchorage 5 southeast of Pea Patch Island.* On the northeast side of the channel along New Castle Range, bounded as follows: Beginning at latitude 39°34′28″, longitude 75°33′06″; thence 334°, 2,343 yards; thence 64°, 512 yards; thence 154°, 2,343 yards; and thence 244°, 512 yards, to the point of beginning.

(7) *Anchorage 6 off Deepwater Point.* Southeast of the entrance to Christina River, on the east side of the channel along Cherry Island Range, bounded as follows: Beginning at latitude 39°41′31″, longitude 75°30′55″; thence 17°, 2,747 yards; thence 112°, 847 yards; thence 215°, 1,340 yards; thence 204°, 893 yards; thence 186°30′, 500 yards; and thence 286°, 377 yards, to the point of beginning. Vessels must not cast anchor in the cable area at the lower end of this anchorage except in case of emergency.

(8) *Anchorage 7 off Marcus Hook.* On the southeast side of the channel along Marcus Hook Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°25′50″; thence northeasterly along the edge of the channel to longitude 75°23′30″; thence 207°, 933 yards; thence 237°, 2,692 yards; thence 267°, 933 yards, to the point of beginning. A preferential area in this anchorage is designated for the use of vessels awaiting quarantine inspection, this area being 333 yards wide on the downstream side of a line projected from Blueball Road in Marcus Hook. Should the remainder of the anchorage be in use, the preferential area, when available, may be used by vessels not subject to quarantine inspection.

(9) *Anchorage 8 off Thompson Point.* On the south side of the channel along Tinicum Range, between Thompson Point and the east side of Crab Point, bounded as follows: Beginning at a point on the south edge of the channel along Tinicum Range at longitude 75°18′24″; thence easterly along the edge of the channel to longitude 75°17′54″; thence 179°, 267 yards; thence 260°30′, 793 yards; thence 358°, 425 yards, to the point of beginning.

(10) *Anchorage 9 near entrance to Mantua Creek.* On the southeast side of the channel along Mifflin Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°14′26″; thence northeasterly along the edge of the channel to longitude 75°12′01.5″; thence 203°30′, 933 yards; thence 233°30′, 3,058 yards; and thence 263°30′, 933 yards, to the point of be-

ginning. Vessels must not cast anchor in this anchorage in such manner as to interfere unreasonably with the passage of other vessels to and from Mantua Creek.

(11) *Anchorage 10 (naval) at Naval Base, Philadelphia.* On the north side of the channel along West Horseshoe Range, bounded as follows: Beginning at the southeasterly corner of Pier 7 (approximately latitude 39°53′11″, longitude 75°09′58.5″); thence 174°, 525 yards, to the north edge of the channel along West Horseshoe Range; thence 273°30′ along the edge of the channel, 880 yards; thence 354°, 433 yards, to the southeasterly corner of Pier 1; and thence 88°30′, 875 yards, to the point of beginning. This is a restricted naval anchorage.

(12) *Anchorage 11 at Gloucester.* On the east side of the channel south of the Walt Whitman Bridge at Gloucester, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54′16″; thence 174°30′, 500 yards, to latitude 39°54′02″, longitude 75°07′43″; thence 202°, 1,133 yards; thence 217°30′, 1,142 yards, to the east edge of channel; thence northeasterly along the edge of the channel to the point of beginning.

(13) *Anchorage 12 between Gloucester and Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 11, from Gloucester to Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54′16″; thence northerly along the edge of the channel to latitude 39°56′32.5″; thence 133°, 283 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°54′02″; thence 354°36′, 500 yards to the point of beginning. The area between New York Shipbuilding Corporation Pier No. 2 and the MacAndrews and Forbes Company pier, Camden, shall be restricted to facilitate the movement of carfloats to and from Bulson Street, Camden. The area in front of the Public Service Electric and Gas Company pier shall be restricted to facilitate the movement of vessels to and from the pier. Should the anchorage become so congested that vessels are compelled to anchor in these restricted areas, they must move immediately when another berth is available.

(14) *Anchorage 13 at Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 12, to Cooper Point, Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°56′32.5″; thence northerly along the edge of the channel to latitude 39°57′39.7″; thence 139°, 217 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°56′26.5″; thence 313°, 283 yards to the point of beginning.

(15) *Anchorage 14 opposite Port Richmond.* On the southeast side of the channel, north of Petty Island, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05′43″; thence 163°, 248 yards; thence 253°, 1,978 yards, to the southeast edge of the channel; and thence northeasterly along the edge of the channel to the point of beginning. Vessels having a draft of less than 20 feet must anchor southwest of Pier No. 11, Port Richmond. The area off the Cities Service Oil Company wharves, Petty Island, shall be restricted to facilitate the movement of vessels to and from the wharves.

(16) *Anchorage 15 off northeasterly end of Petty Island.* On the southeast side of the channel, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05′34.7″; thence northeasterly along the southeast edge of the channel to longitude 75°05′09.5″; thence 171°, 198 yards; thence 260°30′, 667 yards; and thence 351°, 198 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(17) *Anchorage 16 between Port Richmond and Five Mile Point.* On the northwest side of the channel, bounded as follows: Beginning at a point on the northwest edge of the channel at longitude 75°05′35″; thence northeasterly along the edge of the channel to longitude 75°04′20″; thence

328, 125 yards; thence 243, 450 yards; thence 251, 475 yards; thence 257, 1,042 yards; thence 174 30′, 122 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(b) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Delaware Bay and River between Ship John Light and The Pennsylvania Railroad Company bridge at Delair, New Jersey, outside of the anchorage areas established in this section, or within a cable or pipe line area shown on a Government chart, or be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel. When an emergent condition exists due to congestion in the prescribed anchorage areas in the Delaware River, the District Commander may authorize the anchorage of vessels in locations other than the prescribed areas. Vessels so anchored must not be anchored within the channel limits. Any vessel anchored outside of the prescribed anchorage limits must move to a prescribed anchorage area when space becomes available.

(2) No vessel shall occupy any prescribed anchorage for a longer period than 48 hours without a permit from the District Commander. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the District Commander for that purpose in either Anchorage 15 or Anchorage 16. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the District Commander.

(3) Whenever, in the opinion of the District Commander such action may be necessary, he may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before release or reduction of the crew, be anchored with two anchors with mooring swivel unless the District Commander shall waive the requirement of a mooring swivel.

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside of the anchorage area.

(6) Light-draft barges using the anchorages shall be anchored away from the deeper portions of the anchorages, so as not to interfere with the anchoring of deep-draft vessels. Any barges towed in tandem to an anchorage area shall be bunched together when anchoring.

(7) Upon approval of the District Engineer, Corps of Engineers, the District Commander may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the District Commander in advance of all such proposed work.

(8) Whenever the maritime or commercial interests of the United States so require, the District Commander is hereby empowered to shift the position of any vessel anchored or moored within or outside an anchorage area, including any vessel which is so moored or anchored as to obstruct navigation or interfere with range lights.

(9) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(10) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws and regulations.

(c) *Regulations for explosives anchorage.* (1) All vessels carrying explosives and other dangerous cargo as defined in Title 46, Code of Federal Regulations, § 146.03-8, or on which explosives and other dangerous cargoes are to be loaded, shall be within Anchorage 2 when anchored, except as provided in paragraph (c)(7) of this section. The maximum amount of explosives, or other dangerous cargo for which a permit is required in 46 CFR Parts 146-149, which may be carried or loaded at any time by a vessel anchored within Anchorage 2 shall not exceed 800 tons, except in cases of great emergency or by special permit from the District Commander.

(2) A written permit shall be obtained from the District Commander before vessels carrying explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are to be loaded within the weight limit specified in paragraph (c)(1) of this section, may anchor in Anchorage 2, and no vessel shall anchor therein except by authority of such permit, which may be revoked at any time. This anchorage shall not be used by vessels which do not carry explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are not to be loaded, except in cases of great emergency or by special permit from the District Commander. All other vessels used in connection with loading or unloading explosives and other dangerous cargoes in this anchorage shall carry written permits from the District Commander and shall show such permits whenever required by him.

(3) Vessels shall be anchored in Anchorage 2 so as to be at least 2,200 feet apart, but the number of vessels which may anchor in the anchorage at any one time shall be at the discretion of the District Commander. This provision is not intended to prohibit barges or lighters from tying up alongside the vessels for the transfer of cargoes.

(4) Whenever any vessel or barge not mechanically self-propelled anchors in Anchorage 2 while carrying explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are to be loaded within the weight limit specified in paragraph (c)(1) of this section, the District Commander may require the attendance of a tug upon such vessel or barge when in his judgment such action is necessary.

(5) Every vessel transporting, stowing, storing, or handling explosives and other dangerous articles as cargo, within the weight limit specified in paragraph (c)(1) of this section, in the vicinity of Anchorage 2 shall display by day a red flag at least 16 square feet in area at its masthead, or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(6) Fishing and navigation are prohibited within Anchorage 2 at all times when vessels which are moored in the area display a red flag by day or a red light by night.

(7) The District Engineer, U.S. Army Engineer District, Philadelphia, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Department of the Army permit, to anchor in or near the vicinity of such work. The District Commander will prescribe the quantity of explosives allowed and the conditions under which explosives shall be stored and handled in such cases.

(8) Vessels carrying explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are to be loaded, within the weight limit specified in paragraph (c)(8) of this section, shall comply with the general regulations in paragraph (b) of this section when applicable.

(9) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel, and all others concerned, of the duties and responsibilities imposed upon them to comply with the regulations governing the handling, loading or discharging of explosives, and other dangerous articles, entitled "Subchapter N—Dangerous Cargoes." (46 CFR Parts 146 and 147.)

(Sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6(g)(1), Pub. L. 89-670, 80 Stat. 940 (49 U.S.C. 1655(g)(1); 35 FR 4959, 49 CFR 1.46(c)(1)))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 73-190R, 39 FR 18279, May 24, 1974]

## § 110.158 Baltimore Harbor, Md.

(a) *The anchorage grounds*—(1) *Anchorage No. 1, general anchorage.* In the Patapsco River at Fort McHenry angle beginning at latitude 39°15′13″, longitude 76°34′08.5″; thence southwest to latitude 39°15′10.5″, longitude 76°34′12.5″; thence southeast to latitude 39°14′52.5″, longitude 76°33′54″; thence east-southeast to latitude 39°14′48″, longitude 76°33′42″; thence northwest to the point of beginning. This anchorage shall be reserved for deep draft vessels and shall be used only by vessels waiting overnight to proceed to pier facilities. No vessel shall remain in this anchorage for more than 12 hours without a written permit from the Captain of the Port. Vessels anchored in this anchorage shall insure that they do not project into Fort McHenry Channel.

(2) *Anchorage No. 2, general anchorage.* In the Patapsco River, 2000 yards southeast of Lazaretto Point beginning at latitude 39°15′05″, longitude 76°33′47″; thence southeast to latitude 39°14′49″, longitude 76°33′29.5″; thence northeast to latitude 39°14′58″, longitude 76°33′15″; thence southeast to latitude 39°14′40.5″, longitude 76°32′57″; thence northeast to latitude 39°14′50″, longitude 76°32′41.5″; thence northwest to latitude 39°15′19″, longitude 76°33′11.5″; thence west to latitude 39°15′19″, longitude 76°33′29.5″; thence southwest to the point of beginning. This is a general anchorage for ships with drafts of less than 24 feet. No vessel shall remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(3) *Anchorage No. 3, general anchorage.* In the Patapsco River 3,000 yards southeast of Lazarette Point beginning at latitude 39°14′49″, longitude 76°33′29.5″; thence northeast to latitude 39°14′58″, longitude 76°33′15″; thence southeast to latitude 39°14′23.5″, longitude 76°32′39″; thence southwest to latitude 39°14′14″, longitude 76°32′53.5″; thence northwest to the point of beginning. This is a general anchorage for deep draft vessels only. No vessel shall remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(4) *Anchorage No. 4, general anchorage.* In the Patapsco River 1,000 yards southwest of Dundalk Marine Terminal beginning at latitude 39°14′18.5″, longitude 76°32′38.5″; thence southeast to latitude 39°14′00″, longitude 76°32′19″; thence southwest to latitude 39°13′53″, longitude 76°32′31″; thence northwest to latitude 39°14′11″, longitude 76°32′50″; thence northeast to the point of beginning. This is a general anchorage for vessels with drafts of less than 30 feet. No vessel shall remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(5) *Anchorage No. 5, general anchorage.* In the Patapsco River in the angle between Fort McHenry Channel and Curtis Bay Channel beginning at latitude 39°14′07″, longitude 76°32′58.5″; thence southeast to latitude 39°13′34″, longitude 76°32′24″; thence south-southwest to latitude 39°13′22″, longitude 76°32′29″; thence west to latitude 39°13′21″, longitude 76°33′12″; thence north-northeast to the point of beginning. This is a general anchorage for vessels having drafts of 19 feet or less. No vessel shall remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(6) *Anchorage No. 6, general anchorage.* In the Patapsco River approximately 2,000 yards west of Sollers Point beginning at latitude 39°13′47.8″ N., longitude 76°32′25″ W.; thence northeasterly to latitude 39°14′02″ N., longitude 76°32′02.9″ W.; thence southeasterly to latitude 39°13′34″ N., longitude 76°31′33.5″ W.; thence southwesterly to latitude 39°13′20″ N., longitude 76°31′56″ W.; thence northwesterly to the point of beginning. No vessel with a draft of more than 20 feet may use this general anchorage. No vessel may remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(7) [Reserved]

(8) ***Dead ship anchorage.*** In Curtis Bay beginning on the shoreline at latitude 39°13′00″, longitude 76°34′11.5″; thence north to latitude 39°13′13.5″,

longitude 76°34'12"; thence east to latitude 39°13'14", longitude 76°33'31"; thence south to the shoreline at latitude 39°12'54", longitude 76°33'31". This anchorage shall be used as a dead ship anchorage only. A written permit from the Captain of the Port must be obtained prior to the use of this anchorage for any period of time.

(9) *Small vessel anchorage.* In the Northwest Harbor, north of the Turning Basin beginning at latitude 39°16'50.5", longitude 76°35'08"; thence southeast to latitude 39°16'43", longitude 76°34'53.5"; thence southwest to latitude 39°16'36.5", longitude 76°34'59"; thence northwest to latitude 39°16'44", longitude 76°35'13"; thence northeast to the point of beginning. This anchorage shall be used only by vessels 100 feet in length or less.

(b) *General regulations.* (1) Except in cases where unforseen circumstances create conditions of imminent peril, or with the permission of the Captain of the Port, no vessel shall be anchored in Baltimore Harbor and Patapsco River outside of the anchorage areas established in this section for more than 24 hours. No vessel shall anchor within a tunnel, cable or pipeline area shown on a Government chart. No vessel shall be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to extend into established channel limits. No vessel shall be positioned so as to obstruct or endanger the passage of any other vessel.

(2) No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels, shall occupy an anchorage except in cases where unforeseen circumstances create conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, he may require any vessel in a designated anchorage area to moor with two or more anchors.

(4) Every vessel that will not have sufficient personnel on board to weigh anchor at any time shall be anchored with two anchors with mooring swivel, unless the Captain of the Port, upon application, waives this requirement.

(5) Light-draft barges shall be anchored away from the deeper portions of the anchorages, so as not to interfere with the anchoring of deep-draft vessels. Any barges towed in tandem to an anchorage area shall be nested together when anchoring.

(6) No vessel shall be navigated within an anchorage at a speed exceeding 6 knots.

(7) A vessel being notified by the Captain of the Port or his authorized representative to shift its position shall take steps to promptly make the change.

(8) Nothing in this section shall be construed as relieving any vessel, or the owner or person in charge of any vessel, from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights, day signals and fog signals or other navigation laws and regulations.

[CGFR 68-132, 33 FR 18439, Dec. 12, 1968; 33 FR 20039, Dec. 31, 1968, as amended by CGFR 70-1, 35 FR 810, Jan. 21, 1970; CGD 73-125R, 38 FR 30740, Nov. 7, 1973; 38 FR 31835, Nov. 19, 1973]

### § 110.159 Annapolis Harbor, Md.

(a) *The Anchorage Grounds*—(1) *Naval Anchorage for Deep Draft Vessels.* In the Chesapeake Bay, bounded on the north by latitude 38°58'00"; on the east by a line bearing 203° from latitude 38°58'00", longitude 76°24'00"; on the south by latitude 38°56'30"; and on the west by a line bearing 139° from Greenbury Point Shoal Light. This anchorage is reserved for deep draft naval vessels. Berths in the area will be assigned on application to the Superintendent, U.S. Naval Academy.

(2) *Middle Ground Anchorage.* Beginning at a point in the Severn River 139°, 620 yards from Triton Light (located at the intersection of the northeast and southeast seawall of the Naval Academy grounds); thence easterly to a point 112°30', 970 yards from Triton Light; thence southeasterly to a point 274°, 1,045 yards from the radio tower at the tip of Greenbury Point; thence south-southeasterly to a point 233°30', 925 yards from the radio

tower at the tip of Greenbury Point; thence west to a point 295 , 1,015 yards from Greenbury Point Shoal Light, thence to the point of beginning.

(3) *South Anchorage.* In the Severn River, beginning at a point on the shoreline at Horn Point, Eastport, 168 , 1,190 yards from Triton Light; thence east to a point 294 , 1,075 yards from Greenbury Point Shoal Light; thence northwest to a point 143 , 595 yards from Triton Light; thence westerly to a point 209 , 700 yards from Triton Light; thence 180 to a point on the shoreline at Eastport. No vessel shall anchor within 100 feet of any wharf, marine railway, or other structure without the permission of the owner thereof.

(4) *Naval Anchorage for Small Craft.* In the Severn River, beginning at a point 80 feet off the southeast seawall of the Naval Academy bearing 132 from Triton Light; thence easterly to a point 072 30 , 285 yards from Triton Light; thence southeasterly to a point 109 , 785 yards from Triton Light; thence westerly to a point 211 , 537 yards from Triton Light; thence northwesterly to a point 45 yards off the southeast seawall of the Naval Academy bearing 214 , 535 yards from Triton Light; thence to the point of beginning. Except in the case of emergency, no vessel shall be anchored in this area without the permission of the Superintendent, U.S. Naval Academy. Anchorages will be assigned upon request to the Superintendent, U.S. Naval Academy.

(5) *Anchorage A.* In Spa Creek beginning at a point on the shoreline 219 30 , 545 yards from Triton Light; thence southeasterly to a point 214 30 , 555 yards from Triton Light; thence southwesterly to a point 237 30 , 185 yards from the Naval Academy Light; thence southwesterly to a point 235 30 , 315 yards from the Naval Academy Light; thence westerly to a point 240 , 410 yards from the Naval Academy Light; thence northeasterly to a point 244 , 305 yards from the Naval Academy Light; thence northeasterly to a point on the shoreline 255 , 205 yards from the Naval Academy Light.

(6) *Anchorage B.* In Spa Creek beginning at a point 223 , 185 yards from the Naval Academy Light; thence southeasterly to a point 214 , 190 yards from the Naval Academy Light; thence southwesterly to a point 211 , 335 yards from the Naval Academy Light; thence southwesterly to a point 212 , 520 yards from the Naval Academy Light; thence northwesterly to a point 229 30′, 465 yards from the Naval Academy Light; thence northeasterly to the point of beginning.

(b) *The regulations.* (1) Except in the case of emergency, no vessel shall be anchored in the area to the north and east of the Annapolis Channel bounded on the east by Greenbury Point; on the south by a line bearing 270 from the southern tip of Greenbury Point; on the west by the Annapolis Channel; on the north by the southern boundry of the cable area and the shoreline of the Government reservation and Carr Creek.

(2) Except in the case of emergency, no vessel shall be anchored in Annapolis Harbor to the westward of the dredged channel and northward of the southern boundry of the South Anchorage outside of the established anchorage areas, except in Spa Creek and the area to the southwestward of the Naval anchorage for small craf*. No vessel shall be so anchored that any part of the vessel extends at any time within this area. Any vessel anchoring, under great emergency, within this area shall be placed as close to an anchorage area as practicable, and shall move away immediately after the emergency ceases.

(3) No vessel shall be anchored in the cable and pipeline area, lying between the Naval Academy and the Naval Ship Research and Development Laboratory and having the following limits: Southeastern limit, from Triton Light 072 to white "Cable Crossing" sign at the Naval Ship Research and Development Laboratory; northwestern limit, a line bearing 054 from the Capitol Dome.

(4) Except in the case of emergency, no vessel shall be anchored, without permission of the Superintendent, U.S. Naval Academy, in the Naval Academy Drill area described as follows:

That portion of the Severn River lying to the northeastward of the Naval Academy, bounded on the north by the State Highway Bridge and on the south by the northern limit of the cable and pipeline area, excluding that area off the eastern shoreline enclosed by a line bearing approximately 131° from the eastern abutment of the State Highway Bridge to the vicinity of Ferry Point. This drill area also includes the lower part of Dorseys Creek below the Naval Academy Drawbridge. Requests to anchor in this drill area shall be made to the Superintendent, U.S. Naval Academy.

(5) The restrictions in this section do not apply to the anchoring or marking by buoys or apparatus used for the purpose of taking seafood, except within the cable or pipeline area described in paragraph (b)(3) of this section.

(6) The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, and such agencies as he may designate.

[CGFR 68-97, 34 FR 9677, June 20, 1969]

### § 110.166 York River, Va., naval anchorage.

(a) *The anchorage grounds.* Between Yorktown and the Naval Mine Depot, beginning at latitude 37°15'34", longitude 76°31'25"; thence to latitude 37°15'25", longitude 76°31'39.5"; thence to latitude 37°16'21.5", longitude 76°32'46"; thence to latitude 37°17'07.5", longitude 76°34'17"; thence to latitude 37°17'55", longitude 76°35'14.5"; thence to latitude 37°18'05", longitude 76°35'01"; thence to latitude 37°17'20", longitude 76°34'07"; thence to latitude 37°16'33.5", longitude 76°32'34", and thence to the point of beginning.

(b) *The regulations.* This anchorage is reserved for the exclusive use of naval vessels and except in cases of emergency, no other vessel shall anchor therein without permission from the local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

### § 110.168 Hampton Roads, Va., and adjacent waters.

(a) *Hampton Roads*—(1) *Anchorage A, Hampton Bar.* South of a line running from latitude 37°00'45", longitude 76°20'36", across the mouth of Hampton Creek to latitude 37°00'47", longitude 76°19'56"; thence along the shore to a point east of Mill Creek at latitude 37°00'44", longitude 76°19'38"; thence to latitude 37°00'15", longitude 76°19'29"; thence to latitude 36°59'33", longitude 76°18'57"; thence to latitude 36°59'11", longitude 76°19'00"; thence to latitude 36°59'09", longitude 76°19'05"; thence to latitude 37°00'00", longitude 76°22'08"; and thence northeast along the shoreline to the point of beginning.

(i) No vessel shall be anchored in such manner as to swing within 200 feet of the dredged channel leading to Hampton.

(ii) This anchorage is reserved for the use of vessels while undergoing examination by quarantine, customs, or immigration authorities. Upon completion of these examinations vessels shall move promptly to a regular anchorage.

(iii) The master of every mechanically propelled vessel using this anchorage shall keep the vessel in condition to move promptly under its own power upon notification by the Captain of the Port, and when any such vessel is in charge of a pilot the pilot shall remain on board until the vessel is safely anchored in a regular anchorage. No sailing vessel using this anchorage shall be left unattended by a tugboat while undergoing examination by quarantine, customs, or immigration authorities, except when its stay is likely to be of several hours' duration when it shall be anchored in the western part of the anchorage out of the way of other vessels before the tug and pilot leave.

(iv) No master of a vessel awaiting or undergoing quarantine inspection shall release any part of the crew until the vessel has been passed by the proper quarantine officials and safely anchored or moored in a regular anchorage.

(2) *Anchorage B, Hampton Flats (Naval).* Shoreward of a line described as follows: Beginning at latitude

37°00′00″, longitude 76°22′08″; thence to latitude 36°59′08.5″, longitude 76°19′04.5″; thence to latitude 36°57′57.5″, longitude 76°20′46.5″; and thence to latitude 36°58′56″, longitude 76°23′47″, including within the above-described limits an Explosives Handling Berth W covering a circular area of 1,200 yards diameter with its center at latitude 36°58′18″, longitude 76°20′51″.

(i) Vessels shall not be anchored within 425 yards of Anchorage F-1 when that anchorage is occupied by a vessel carrying explosives.

(ii) Vessels shall not be anchored within 300 yards of Explosives Handling Berth W when that berth is occupied by a vessel handling explosives.

(iii) Anchorage B, including Explosives Handling Berth W, is reserved for the use of Naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit the anchorage and berth to be used by merchant vessels. Upon notification that need for occupancy by Naval vessels is expected, the Captain of the Port may cause a sufficient area in the anchorage to be vacated to accommodate the number of Naval vessels scheduled to arrive.

(3) *Anchorage C, Newport News Bar.* Shoreward of a line described as follows: Beginning at latitude 36°58′56″, longitude 76°23′47″; thence to latitude 36°57′57.5″, longitude 76°20′46.5″; thence to latitude 36°57′41″, longitude 76°21′12.5″; thence to latitude 36°57′35.5″, longitude 76°21′29″; thence along the north side of Newport News Channel to latitude 36°57′20″, longitude 76°24′38″; and thence to the radio tower at approximately latitude 36°57′47.5″, longitude 76°24′40.5″.

(i) When Anchorage F-1, which lies within Anchorage C, is not occupied by vessels carrying explosives, it may be used as a general anchorage in the same manner as other portions of Anchorage C. It shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives, of a draft too great to permit it to use Anchorage F, desires to anchor therein. Vessels shall not be anchored within 425 yards of Anchorage F-1 when that anchorage is occupied by a vessel carrying explosives.

(ii) This anchorage is a general anchorage for all vessels, but when fleet operations are scheduled the Captain of the Port may, in his discretion, permit it to be used by naval vessels. Upon receiving word that any part of the fleet is expected, the Captain of the Port may cause a sufficient area in this anchorage to be vacated to accommodate the number of vessels scheduled to arrive.

(4) *Anchorage D.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57′55″, longitude 76°20′31.3″; thence south to latitude 36°57′06″, longitude 76°20′32″; thence to latitude 36°57′14.8″, longitude 76°20′46.5″; thence to latitude 36°56′08″, longitude 76°22′23″; thence to latitude 36°56′00″, longitude 76°22′50″; thence to latitude 36°56′00″, longitude 76°23′34″; thence to latitude 36°56′09.5″, longitude 76°23′33.5″; thence to latitude 36°57′18.5″, longitude 76°21′52″; thence to a point on the south side of Newport News Channel at latitude 36°57′23.8″, longitude 76°22′03.8″; thence along the south side of Newport News Channel to latitude 36°57′28″, longitude 76°21′11″ thence to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(ii) This anchorage shall be used by deep-draft vessels, wind-bound vessels from Lambert Point and Sewall Point, and vessels awaiting turn for docking. Other vessels may use this anchorage when permitted by the Captain of the Port.

(5) *Anchorage E, Newport News Middle Ground.* Beginning at a point on the south side of Newport News Channel at latitude 36°57′23.8″, longitude 76°22′03.8″; thence to latitude 36°57′18.5″, longitude 76°21′52″; thence to latitude 36°56′09.5″, longitude 76°23′33.5″; thence to a point on the south side of Newport News Channel at 36°57′09.8″, longitude 76°24′51.9″; thence along the south side of Newport News Channel to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(6) *Anchorage H.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57′01.8″, longitude 76°20′22.3″; thence to latitude 36°57′14.8″, longitude 76°20′46.5″; thence to latitude 36°56′08″, longitude 76°22′23″; thence to latitude 36°56′00″, longitude 76°22′50″; thence to latitude 36°56′00″, longitude 76°20′27″; thence along the west side of Norfolk Harbor Channel to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(7) *Anchorages for vessels carrying explosives*—(i) *Anchorage F* (*for shallow draft vessels*). Beginning at latitude 36°56′03″, longitude 76°23′50″; thence to latitude 36°54′30″, longitude 76°23′55.5″; thence to latitude 36°54′30″, longitude 76°24′59″; thence to latitude 36°56′31″, longitude 76°24′50.1″; thence to latitude 36°56′31″, longitude 76°24′30.7″; thence to the point of beginning.

(ii) *Anchorage F-1* (*for deep-draft vessels*). Within Anchorage C and having a northeast boundary coincident with a portion of the northeast boundary of Anchorage C, beginning at latitude 36°58′06″, longitude 76°21′13″; thence to latitude 36°57′49.5″, longitude 76°21′36″; thence to latitude 36°57′47.5″, longitude 76°22′04″; thence to latitude 36°57′56″, longitude 76°22′30″; thence to latitude 36°58′19.5″, longitude 76°21′56″; thence to the point of beginning.

(iii) Vessels are forbidden to anchor within 425 yards of Anchorage F or between the northeast boundary of Anchorage F and the southwest boundary of Anchorage E.

(iv) When Anchorage F-1 is not occupied by vessels carrying explosives it may be used as a general anchorage in the same manner as other portions of Anchorage C, except that it shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives of a draft too great to permit it to use Anchorage F desires to anchor. When Anchorage F-1 is occupied by a vessel carrying explosives, vessels shall not anchor in Anchorages B and C within 425 yards of Anchorage F-1. No vessel carrying explosives shall be anchored in Anchorage F-1 so as to swing within 500 yards of the Newport News Channel.

(v) Vessels carrying explosives or other dangerous cargo, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, shall be within Anchorage F or F-1 when anchored, except as provided in subdivision (x) of this subparagraph. Anchorage F is reserved for this special purpose and shall not be used by vessels carrying other classes of cargo except in cases of great emergency or by special permit from the Captain of the Port.

(vi) A written permit shall be obtained from the Captain of the Port before a vessel carrying explosives, or on which explosives are to be loaded, may proceed to an explosives anchorage; and no vessel shall occupy a berth in such an anchorage except by authority of such a permit which may be revoked at any time.

(vii) Vessels used in connection with loading or unloading explosives in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. Such permits shall be shown whenever required by him or by his properly authorized agents.

(viii) Whenever any vessel not mechanically self-propelled anchors in an explosives anchorage while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(ix) Vessels carrying explosives shall comply with the general regulations in paragraph (h) of this section when applicable.

(x) The District Engineer, Corps of Engineers, may authorize a vessel carrying explosives for use on river and harbor works or on other work under permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such instructions.

(8)–(12) [Reserved]

(13) *Anchorage for construction equipment. T-6.* Anchorage T-6 is a circular area of radius 300 yards whose center is located at latitude 36°54′16″ N., longitude 76°20′40″ W. This anchorage is for the exclusive use of floating equipment used in the construction of Pier 25 at the Naval Station, Norfolk, Virginia.

(b) *James River*—(1) *Anchorage G.* Beginning at the mouth of the river opposite Newport News, east of a line running from Barrel Point, latitude 36°54′53″ longitude 76°28′51″; thence across the mouth of Batten Bay to Candy Island, latitude 36°56′18″, longitude 76°29′05″; and shoreward of a line beginning at Fishing Point, latitude 36°57′50″, longitude 76°29′38″; thence to latitude 36°59′08″, longitude 76°27′56″; thence to latitude 36°58′37″, longitude 76°26′41″; thence to latitude 36°57′50″, longitude 76°26′04″; thence to latitude 36°57′32.1″, longitude 76°25′40″; thence to latitude 36°57′09.8″, longitude 76°24′51.9″; thence to latitude 36°56′44″, longitude 76°24′18.5″; thence to latitude 36°56′44″, longitude 76°25′05.7″; thence to latitude 36°55′52.5″, longitude 76°25′09.5″; thence to latitude 36°54′00″ longitude 76°28′59″.

(2) *Anchorage G-1.* On the northeast side of the river downstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 36°59′41″, longitude 76°26′40″; thence to latitude 37°00′15″, longitude 76°27′52″; and thence to latitude 37°00′45″, longitude 76°27′17″.

(3) *Anchorage G-2.* On the northeast side of the river upstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 37°00′58″, longitude 76°27′23″; thence to latitude 37°00′24″, longitude 76°28′06″; thence to latitude 37°01′55″, longitude 76°31′19″; and thence to latitude 37°03′06″, longitude 76°30′29″.

(c) *East of Norfolk Harbor Channel*—(1) *Anchorage K-1.* Shoreward of a line described as follows: Beginning at the shoreward end of the jetty north of Army Base Pier No. 2, latitude 36°55′13″, longitude 76°19′42″; thence along the jetty to latitude 36°55′14″, longitude 76°19′46.5″; thence along the jetty to latitude 36°55′10″, longitude 76°19′49.5″; thence to a point on the east side of Norfolk Harbor Channel at latitude 36°55′06″, longitude 76°20′22″; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°55′36.5″, longitude 76°20′20″; and thence to latitude 36°55′38″, longitude 76°19′47″.

(2) *Anchorage K-2.* South of a line running from Tanner Point latitude 36°54′13″, longitude 76°19′25″, across the mouth of Lafayette River to latitude 36°54′14″, longitude 76°18′43″; and shoreward of a line described as follows: Beginning at latitude 36°52′56″, longitude 76°19′08″; thence to a point on the east side of the dredged area alongside Norfolk Harbor Channel at latitude 36°53′04.5″, longitude 76°19′58.5″, thence northerly along the side of the dredged area to latitude 36°53′27″, longitude 76°20′02″; thence northwesterly along the side of the dredged area to latitude 36°53′31″, longitude 76°20′06″; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°54′45.5″, longitude 76°20′19″; and thence to latitude 36°54′49″, longitude 76°19′40.5″.

(i) Anchorage is prohibited in the dredged channel to Lafayette River.

(3) *Anchorage K-3 (for yachts and pleasure craft).* That part of Lafayette River upstream from Anchorage K-2 and downstream from a line crossing the river below the Hampton Boulevard bridge from latitude 36°54′27.5″, longitude 76°18′22.5″, to latitude 36°54′11″, longitude 76°18′18″.

(i) Anchorage is prohibited in the dredged channel in Lafayette River.

(d) *Elizabeth River*—(1) *Anchorage H-1. West Norfolk.* The water area on the west side of Norfolk Harbor Channel, south of Craney Island enclosed by a line beginning at a point on the western edge of the Norfolk Harbor Channel at latitude 36°52′41″ N., longitude 76°20′07″ W.; thence westerly to latitude 36°52′39.5″ N., longitude 76°20′37.8″ W.; thence southerly to latitude 36°52′18.8″ N., longitude 76°20′34.3″ W.; thence easterly to latitude 36°52′22.2″ N., longitude 76°20′03.8″ W.; thence northerly along the western boundary of the Norfolk

Harbor Channel to the point of beginning.

(i) No vessel shall remain anchored in this anchorage awaiting loading for a period longer than 48 hours, except when non-availability of loading facilities, inclement weather, ice conditions, or other conditions reasonably require a longer period in awaiting turn for docking.

(ii) No vessel after receiving its load shall remain more than 12 daylight hours in this anchorage, i.e., vessels loaded during the afternoon or night shall clear the anchorage prior to the hour of darkness of the following day.

(2) *Anchorage L.* On the northeast side of Elizabeth River, south of Lambert Point, and shoreward of a line described as follows: Beginning at latitude 36°52'06.5", longitude 76°19'04.5"; thence to latitude 36°51'56.5", longitude 76°19'20"; thence to latitude 36°52'13", longitude 76°19'44.5"; and thence to latitude 36°52'21", longitude 76°19'34".

(3) *Anchorage M.* On the northeast side of Elizabeth River, opposite Pinner Point, and shoreward of a line described as follows: Beginning at latitude 36°51'29.5", longitude 76°18'37"; thence to latitude 36°51'32", longitude 76°18'45.5"; thence to latitude 36°51'42", longitude 76°19'00"; and thence to latitude 36°51'52", longitude 76°18'47.5".

(4) *Anchorage N-1, Smith Creek (for yachts and pleasure craft)*—(i) *Mowbray Arch.* Between Mowbray Arch and a line described as follows: Beginning at Ghent Bridge 150 feet from Mowbray Arch and continuing westerly the same distance therefrom to the intersection of the prolongation of the east side of Colonial Avenue; thence in a straight line to a point on the south side of Mill Street prolonged and 70 feet from Mowbray Arch; thence parallel to and 70 feet from Mowbray Arch to the south side of Pembroke Avenue prolonged; thence along the prolongation of the south side of Pembroke Avenue to a point 50 feet from Mowbray Arch; and thence in a straight line to a point on the south side of Fairfax Avenue prolonged and 40 feet from Mowbray Arch.

(ii) *The Hague.* Between the wall on the west side of the Hague and a straight line joining a point 40 feet easterly thereof in the south side of Fairfax Avenue prolonged with a point 70 feet easterly from the wall in a line perpendicular to the wall at the south end thereof.

(iii) No floats, rafts, lighters, houseboats, or other craft laid up for any reason shall be permitted within these anchorages, except by permission of the Captain of the Port.

(iv) No vessel shall anchor or moor alongside any wharf or pier in Smith Creek so as to extend more than 40 feet beyond the pierhead line except in the authorized anchorages.

(5) *Anchorage O, Hospital Point.* On the southwest side of Elizabeth River, adjacent to the Portsmouth Naval Hospital, and shoreward of a line described as follows: Beginning at latitude 36°50'57", longitude 76°18'43"; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°51'05", longitude 76°18'23"; thence southeasterly along the side of the channel to latitude 36°50'49.5", longitude 76°18'00"; thence southeasterly along the side of the channel to latitude 36°50'33.5", longitude 76°17'50.5"; and thence to latitude 36°50'27", longitude 76°17'55".

(6) *Anchorage P, Port Norfolk.* On the southwest side of Elizabeth River, between Pinner Point and Western Branch Channel, and shoreward of a line described as follows: Beginning at latitude 36°51'25", longitude 76°19'59"; thence to latitude 36°51'44.5", longitude 76°19'47"; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°52'01", longitude 76°19'42.5"; thence southeasterly along the side of the channel to latitude 36°51'32", longitude 76°19'01"; and thence to latitude 36°51'18", longitude 76°19'16".

(e) *Eastern Branch of Elizabeth River*—(1) *Anchorage Q, Berkley.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'20", longitude 76°17'12.5"; thence to latitude 36°50'24", longitude 76°17'14.5"; thence to latitude 36°50'22.5", longitude 76°16'58.5"; and thence to latitude 36°50'13", longitude 76°16'59".

(2) *Anchorage R*—(i) *Section 1.* South of the channel, shoreward of a

line described as follows: Beginning at latitude 36°50′11″, longitude 76°16′17″; thence to latitude 36°50′18″, longitude 76°16′19″; thence to latitude 36°50′20″, longitude 76°16′05″; and thence to latitude 36°50′14.5″, longitude 76°16′03″.

(ii) *Section 2.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50′15″, longitude 76°15′48.5″; thence to latitude 36°50′21″, longitude 76°15′50.5″; thence to latitude 36°50′17″, longitude 76°15′18″; and thence to latitude 36°50′11″, longitude 76°15′20″.

(iii) *Section 3.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50′10″, longitude 76°15′15″; thence to latitude 36°50′15.5″, longitude 76°15′12.5″; thence to latitude 36°50′10.5″, longitude 76°14′50″; and thence to latitude 36°50′08″, longitude 76°14′51″.

(iv) No vessel shall anchor within 200 feet of permanent improvements.

(3) *Anchorage S*—(i) *Section 1.* On the north side of the river, upstream from the Virginian Railway bridge, and shoreward of a line described as follows: Beginning at latitude 36°50′23″, longitude 76°14′18″; thence to latitude 36°50′18.5″, longitude 76°14′18″; thence to latitude 36°50′14″, longitude 76°14′35″; and thence to latitude 36°50′19.5″, longitude 76°14′33″.

(ii) *Section 2.* On the north side of the Eastern Branch, below the mouth of Broad Creek, and shoreward of a line described as follows: Beginning at latitude 36°50′22.5″, longitude 76°13′50″; thence to latitude 36°50′19.5″, longitude 76°14′12.5″; and thence to latitude 36°50′24″, longitude 76°14′13″.

(iii) Anchorage is prohibited within 200 feet of permanent improvements.

(f) *Willoughby Bay*—(1) *Anchorage J-1 (for yachts and pleasure craft).* East of the west end of Willoughby Spit, shoreward of a line running from latitude 36°57′54″, longitude 76°17′46″, to latitude 36°57′50.5″, longitude 76°17′49″.

(2) *Anchorage J-2 (for yachts and pleasure craft).* South of Willoughby Spit, shoreward of a line described as follows: Beginning at latitude 36°57′42″, longitude 76°16′21.5″; thence to latitude 36°57′44.5″, longitude 76°17′27″; thence to latitude 36°57′48″, longitude 76°17′43″; and thence to latitude 36°57′55.5″, longitude 76°17′44″.

(g) *Lower Chesapeake Bay south of Thimble Shoal Channel*—(1) *Anchorage L-A (naval).* Between Cape Henry and Little Creek, beginning at latitude 36°57′11.0″, longitude 76°03′03.0″; thence to latitude 36°55′41.0″, longitude 76°03′14.5″; thence to latitude 36°56′22.0″, longitude 76°05′53.5″; thence to latitude 36°57′01.5″, longitude 76°05′59.0″; thence to latitude 36°57′57.0″, longitude 76°09′35.0″; thence to latitude 36°58′47.0″, longitude 76°09′08.5″; thence to the point of beginning.

(i) This anchorage is reserved primarily for the use of naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit it to be used by merchant vessels. Movement of vessels through the area will not be restricted.

(2) *Anchorage L-C.* Northwest of Anchorage L-A, beginning at latitude 36°59′14″, longitude 76°10′56.5″; thence to latitude 36°58′18.3″, longitude 76°10′54″; thence to latitude 36°58′59″, longitude 76°13′32.5″; thence to latitude 36°59′56″, longitude 76°13′36.3″; thence to the point of beginning.

(i) This anchorage is primarily for the use of merchant vessels but the Captain of the Port may, in his discretion, permit it to be used by naval vessels, the commercial conditions at the time being given due consideration. No vessels shall occupy any berth in this anchorage without first obtaining permission from the Captain of the Port.

(3) *Anchorage L-E (for naval amphibious craft).* Southwest of Anchorage L-A, east of the Little Creek thorofare, and shoreward of a line described as follows: Beginning at Little Creek Harbor Jetty 1 Light (approximately latitude 36°55′57.0″, longitude 76°10′36.0″); thence to latitude 36°58′04.0″, longitude 76°10′02.0″; thence to latitude 36°57′31.5″, longitude 76°07′55.0″; thence to latitude 36°55′25.0″, longitude 76°08′28.5″.

(i) This anchorage is reserved for the exclusive use of naval vessels and, except in case of emergency, no other vessel shall anchor therein without permission from local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

(h) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Hampton Roads or adjacent waters outside of the anchorage areas established in this section or within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before release or reduction of the crew, be anchored with two anchors with mooring swivel unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside an anchorage area shall be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any other vessel, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) Upon application, a berth in an anchorage, if available, will be assigned to any vessel by the Captain of the Port. He may grant revocable permits for the habitual use of the same berth, and no vessel shall occupy a berth habitually except under authority of such a permit.

(8) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property or in laying or repairing legally established pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside an anchorage area, including any vessel which is so moored or anchored as to obstruct navigation or interfere with range lights.

(10) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(11) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws.

(Sec. 6(g)(1)(A), 80 Stat. 937; 49 CFR 1.46 (c)(1), 33 CFR 1.05-1(c)(1); sec. 7, 39 Stat. 1053, as amended, (33 U.S.C. 471); sec. 6(g)(1) 80 Stat. 940, (49 U.S.C. 1655(g)(1)); 49 CFR 1.46 (c)(1))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-7, 33 FR 2446, Feb. 1, 1968; CGFR 68-27, 33 FR 4738, Mar. 20, 1968; CGFR 70-138A, 36 FR 5042, Mar. 17, 1971; CGFR 71-28A, 36 FR 14694, Aug. 10, 1971; CGD 73-99R, 38 FR 12804, May 16, 1973; CGD 72-232R, 38 FR 18373, July 10, 1973; CGD 76-37, 41 FR 55344, Dec. 20, 1976; CGD 76-41, 42 FR 30618, June 16, 1977; CGD 78-002, 43 FR 28199, June 29, 1978]

### § 110.170 Lockwoods Folly Inlet, N.C.

(a) *Explosives Anchorage.* Beginning at a point southeast of Shallotte Inlet at latitude 33°52′31″, longitude 78°18′49″; thence south to latitude 33°51′31″, longitude 78°18′42″; thence east to latitude 33°51′51″, longitude 78°14′35″; thence north to latitude 33°52′52″, longitude 78°14′40″; thence west to the point of beginning.

(b) *General regulations.* (1) This anchorage is reserved for the exclusive use of vessels carrying explosives.

(2) Vessels in this anchorage shall not anchor closer than 1,500 yards to one another. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

(3) The maximum quantity of explosives aboard any vessel that may be in this anchorage is 8,000 tons.

(4) Nothing in this section shall be construed as relieving the owner, master, or person in charge of any vessel from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights, fog signals, etc.

[CGFR 69-1, 34 FR 839, Jan. 18, 1969]

### § 110.173 Port of Charleston, S.C.

(a) *The anchorage grounds.* The anchorage grounds for general use shall include all the navigable portions of the harbor and the portions of Cooper, Ashley, and Wando Rivers adjacent thereto, except the following:

(1) *Areas of prohibited anchorage.* (i) A ship channel 1,000 feet wide between the jetties, thence 800 to 400 feet wide (or as much wider as an improved channel may hereafter be dredged), following the established ranges and usual courses and passing east of Drum Island to Goose Creek. Between the north Customhouse Wharf and the northernmost building ways of the Todd Shipyard Corporation, this shall include all the area between the western limit of the Channel and the eastern waterfront of Charleston.

(ii) A ship channel 500 feet wide from the northernmost building ways of the Todd Shipyard Corporation north through Town Creek, following the established ranges and usual courses and connecting at both ends with the main channel.

(iii) A ship channel in Ashley River from its mouth to Standard Wharf 300 feet wide following the established ranges and usual courses and widened at bends and at the upstream and downstream ends.

(iv) The commonly used channel in Wando River, with width of 200 feet.

(v) The commonly used channel in Hog Island Channel with a width of 200 feet from Cooper River to the area opposite Shem Creek.

(2) [Reserved]

(3) *Special anchorages.* Two special anchorages are provided in Cooper River along the eastern waterfront of Charleston. The use of these special anchorages is limited to loaded vessels for a period of not more than 72 hours. The bearings and distances for the centers of these special anchorages are from the tank atop the Fort Sumter Hotel on the Battery at Charleston:

(i) 30°30′ true; 2,687 yards; diameter of anchorage, 1,400 feet.

(ii) 37°00′ true; 2,017 yards; diameter of anchorage, 1,400 feet.

(b) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the prohibited areas described in paragraph (a) of this section, nor shall any vessel be so anchored that it can swing within 400 feet of any wharf or pier on the eastern waterfront of Charleston.

(2) Vessels using the two special anchorages opposite the eastern waterfront of Charleston shall place their anchors as near as possible in the center of the anchorage. Vessels not using a special anchorage shall not place their anchors within the areas of prohibited anchorage, but vessels may be so anchored as to swing into these areas: *Provided,* That they are so placed, with reference to the customary winds, tides, and currents of the harbor, that they will swing only during slack water, and at this period there shall remain in the waters adjacent to the channel an area providing sufficient depth so as to permit the safe passage of loaded vessels.

(3) Vessels must be anchored in such a way as not to interfere with the free navigation of channels of the port, including Cooper, Ashley, and Wando Rivers, Town Creek, and Hog Island Channel, or to obstruct the approach to any pier or entrance to any slip, or to impede the movement of any vessel or craft.

(4) Dragging of anchors in or across the areas of prohibited anchorage is prohibited.

(5) Vessels which, through force of great emergency, are anchored contrary to the foregoing regulations in this section shall be shifted to new berths in accordance with such regulations at the earliest opportunity.

(6) A vessel, upon notification from the Captain of the Port to shift its position in anchorage grounds or out of areas of prohibited anchorage, must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(7)-(8) [Reserved]

(9) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, etc.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 69-5, 34 FR 2252, Feb. 15, 1969]

### § 110.179 Skidaway River, Isle of Hope, Ga.

(a) *The anchorage ground.* An area in Skidaway River beginning at a point on the mean low water line 400 feet south of Brady Boat Works, thence 76°30′, 300 feet to a buoy; thence 152°30′, 900 feet to a buoy; thence 251°00′, 450 feet to the mean low water line at Wymberly Yacht Club dock.

(b) *The regulations.* (1) Except in cases of great emergency, no vessels shall anchor in Skidaway River between the north end of Barbee's dock and southward to Day Marker 48 except in the anchorage area hereby defined and established: *Provided, however,* That vessels may moor to any lawfully constructed wharf.

(2) Except in cases of great emergency, no vessel shall be anchored where it can swing within 50 feet of any lawfully constructed wharf or within 50 feet of the mean low water line, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundary of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside the anchorage area should be placed in such a position as not to interfere with the free navigation of the channel nor obstruct the approach to any lawfully constructed wharf nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification of the District Commander.

(4) No vessels with an overall length greater than 65 feet will use the anchorage area except in cases of great emergency.

(5) Vessels operating within the anchorage area will not exceed a speed of five (5) miles per hour.

### § 110.182 Atlantic Ocean off Fort George Inlet, near Mayport, Fla.

(a) *The Anchorage areas*—(1) *Anchorages for aircraft carriers and other deep draft vessels.* Four circular areas each with a radius of 600 yards and with their centers located at: "A"—latitude 30°25′35″, longitude 81°21′23″; "B"—latitude 30°26′13″, longitude 81°21′13″; "C"—latitude 30°26′19″, longitude 81°20′27″; "D"—latitude 30°26′55″, longitude 81°20′47″.

(2) *Anchorages for destroyers and other ships of similar size.* Six circular areas each with a radius of 300 yards and with their centers located at: "1"—latitude 30°24′38″; longitude 81°21′57″; "2"—latitude 30°24′57″, longitude 81°21′58″; "3"—latitude 30°24′56″, longitude 81°21′38″; "4"—latitude 30°25′13″, longitude 81°22′05″; "5"—latitude 30°25′13″, longitude 81°21′43″; "6"—latitude 30°25′07″, longitude 81°21′24″.

(3) *Explosives anchorage.* The circular area "A" described in paragraph (a)(1) of this section is also designated as an explosives anchorage for use

during periods when ammunition must be handled outside the limits of the U.S. Naval Station, Mayport, Fla.

(b) *The regulations for all designated areas.* (1) Usage of these areas by naval vessels shall predominate only when necessary for military requirements; at such times other vessels shall remain clear of the areas.

(2) Prudent assignment of the anchorage areas shall be made by the Commanding Officer, U.S. Naval Station, Mayport, Fla.

(c) *Additional regulations for Explosives Anchorage Area "A".* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time. A patrol craft shall be utilized to assure that other vessels remain clear when explosives are exposed or being transferred to and from the anchorage.

(3) No more than 500,000 pounds net high explosives or equivalent may be exposed in the area at any one time.

(d) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Station, Mayport, Fla., or other agencies that he may designate.

### § 110.183 St. Johns River, Fla.

(a) *The anchorage grounds.*

(1)–(2) [Reserved]

(3) *Anchorage C.* Shoreward of a line located as follows:

Beginning at a point on the south shore westerly of the entrance to Miller Creek at longitude 81°38′15″; thence north 300 yards; thence east to longitude 81°37′40″; thence to latitude 30°19′06″, longitude 81°37′27″; thence east to longitude 81°37′02″; thence south to Empire Point.

(4) *Anchorage D.* Bounded on the west by a line along the easterly side of Terminal Channel and bounded on the east by a line along the westerly side of Arlington Cut. Beginning at a point at latitude 30°19′30″, longitude 81°37′25″; thence to latitude 30°20′07″, longitude 81°37′18″; thence to latitude 30°20′00″, longitude 81°37′05″; thence to latitude 30°19′20″, longitude 81°37′17″; thence to the point of beginning. No vessels shall anchor within 300 feet of Terminal Channel or Arlington Cut.

(5) *Anchorage E.* Beginning at a point near the easterly shore of the river at latitude 30°21′42″, longitude 81°36′52″; thence west to longitude 81°37′15″; thence north to latitude 30°22′07″; thence to the point of beginning.

(6) *Anchorage F.* Shoreward of a line located as follows: Beginning at a point on the east shore at latitude 30°21′42″, longitude 81°36′45″; thence west to longitude 81°36′52″; thence to latitude 30°22′07″, longitude 81°37′15″; thence N. 56°15′ E. to the east shore.

(b) *The regulations.* (1) Anchorages A, B, D, and F are permanent anchorages. Anchorage A is reserved for deep-draft vessels. Anchorage B is reserved for shallow-draft vessels. Anchorage D is reserved for light-draft barges and schooners, and Anchorage F is reserved for deep-draft barges and schooners.

(2) Anchorage C is a temporary anchorage for deep-draft vessels. This anchorage shall be an anchorage for vessels exceeding 24 feet in draft. No vessel shall remain in the anchorage more than 24 hours without obtaining a permit from the Captain of the Port.

(3) Anchorage E shall be used only by vessels awaiting quarantine inspection, or by special permit from the Captain of the Port.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(C)(1))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 71-162R, 38 FR 33474, Dec. 5, 1973]

### § 110.188 Atlantic Ocean off Miami and Miami Beach, Fla.

(a) *The anchorage grounds.* The area to the eastward of a line bearing 12° (N. 12° E.) through a point X, which is 1½ nautical miles due east of the intersection of the Miami Beach shore line with the north jetty; to the northward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point A, one-half nautical mile north of the said point X; and to the southward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point B, 2½ nautical miles north of the said point X. The northern and southern extremities of the 12° line are marked by spar buoys. The entire anchorage area lies north of the entrance channel to Miami Harbor.

(b) *The rules and regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the Atlantic Ocean in the vicinity of the entrances to the approach channels leading to the cities of Miami Beach and Miami, Fla., outside of the anchorage area hereby defined and established—that is, they shall not anchor shoreward of the line first named nor southward of the second nor northward of the third line—but may anchor as far to the eastward as may be desired.

(2) Any vessel anchoring under circumstances of great emergency outside of the anchorage area shall be shifted to new berths within the area immediately after the emergency ceases.

(3) All vessels shall lie at anchor with as short a cable as conditions will permit.

(4) A vessel upon being notified to move into the anchorage limits or to shift its position on the anchorage ground must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(5) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, U.S. Coast Guard, Miami, Fla., is hereby empowered to shift the position of any vessel anchored on the anchorage ground or outside thereof, or of any vessel moored or anchored so as to impede or obstruct vessel movements or obstruct or interfere with range lights.

(6) Vessels carrying explosives shall be anchored only under a written permit issued by the Captain of the Port and at such point as he may direct.

(7) Vessels carrying explosives shall be at all times in charge of a competent person, and must display by day a red flag, of not less than 16 square feet, at the masthead, or not less than 10 feet above the upper deck if the vessel has no mast; at night a red light shall be displayed in the positions specified for the red flag.

(8) Nothing in this paragraph shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or other aids to navigation, or for otherwise violating law.

### § 110.189a Key West Harbor, Key West, Fla., naval explosives anchorage area.

(a) *The anchorage ground.* A circular area with its center at latitude 24°30′50.6″, longitude 81°50′31.6″ with a radius of 300 yards, for use for ammunition exceeding the prescribed limits for pier-side handling.

(b) *The regulations.* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time.

(3) No more than 300,000 pounds net of high explosives or equivalent may be handled in the area at any one time.

(4) The regulations in this section shall be enforced by the Commander, U.S. Naval Base, Key West, Fla., and any other agencies he may designate.

### § 110.190 Tortugas Harbor, in vicinity of Garden Key, Dry Tortugas, Fla.

(a) *The anchorage grounds.* All of Bird Key Harbor, southwest of Garden Key, bounded by the surrounding reefs and shoals and, on the northeast, by a line extending from Fort Jefferson West Channel Daybeacon 2 to Fort Jefferson West Channel Daybeacon 4, thence to Fort Jefferson West Channel Daybeacon 6, and thence to Fort Jefferson West Channel Daybeacon 8.

(b) *The regulations.* Except in cases of emergency involving danger to life or property, no vessel engaged in commercial fishing or shrimping shall anchor in any of the channels harbors, or lagoons in the vicinity of Garden

Keys, Bush Key, or the surrounding shoals, outside of Bird Key Harbor.

### § 110.193 Tampa Bay, Fla.

(a) *The anchorage grounds*—(1) *Explosives anchorage east of Mullet Key.* A rectangular area in Tampa Bay, approximately 4.459 yards long and 1.419 yards wide, beginning at latitude 27°38′30″, longitude 82°39′09″, and extending northeasterly to latitude 27°39′48″, longitude 82°37′15″; thence southeasterly to latitude 27°39′17″, longitude 82°36′46″; thence southwesterly to latitude 27°37′52″, longitude 82°38′38″; thence northwesterly to the point of beginning.

(2) *Temporary explosives anchorage south of Interbay Peninsula.* Beginning at a point bearing 107°, 1.750 yards from Cut "F" Range Front Light; thence to a point bearing 125°, 2,050 yards, from Cut "F" Range Front Light; thence to a point bearing 180°, 1,725 yards, from Cut "F" Range Front Light; thence to a point bearing 222°, 2,180 yards, from Cut "F" Range Front Light; thence to a point bearing 251°, 1,540 yards, from Cut "F" Range Front Light; and thence to the point of beginning.

(3) *Temporary explosives anchorage off Port Tampa.* A circular area with a radius of 200 yards with the point at latitude 27°50′22″, longitude 82°34′15″.

(4) *Quarantine Anchorage.* Southeast of the temporary explosive anchorage, beginning at a point bearing 97° true, 4,370 yards, from Cut "F" Range Front Light; thence to a point bearing 113°30′, 5,370 yards, from Cut "F" Range Front Light; thence to a point bearing 161°30′, 3,770 yards, from Cut "F" Range Front Light; thence to a point bearing 163°30′, 2,070 yards, from Cut "F" Range Front Light; thence to the point of beginning.

(5) *Barge Fleeting Area, Hillsborough Bay.* Located 400 feet west of Cut "D" Channel at a point beginning at latitude 27°54′34″, longitude 82°26′35″; thence northerly 1,000 feet to latitude 27°54′43″, longitude 82°26′40″; thence westerly 500 feet to latitude 27°54′41″, longitude 82°26′45″; thence southerly 1,000 feet to latitude 27°54′32″, longitude 82°26′40″; thence easterly 500 feet to the point of beginning.

NOTE: This area is reserved for transient barges only. Barges shall not occupy this anchorage for a period longer than 96 hours unless permission is obtained from the Captain of the Port for this purpose.

(b) *The regulations.* (1) The explosives anchorage east of Mullet Key shall be used by vessels awaiting loading or unloading at Port Tampa that have explosives actually on board and where the duration of anchorage will exceed 72 hours.

(2) The temporary explosives anchorages south of Interbay Peninsula and off Port Tampa shall be used for vessels engaged in loading explosives when the duration of the anchorage is less than 72 hours

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 69-62, 34 FR 11582, July 15, 1969; 34 FR 12255, July 15, 1969]

### § 110.193a St. Joseph Bay, Fla.

(a) *The anchorage grounds*—(1) *Explosives Anchorage Area 1.* A rectangular area 3,000 yards long by 700 yards wide beginning at a point 1,350 yards west of U.S. Highway 98 Bridge over Gulf County Canal. The area is parallel to and 450 yards northeast of the north entrance channel to Port St. Joe, Florida.

(2) *Explosives Anchorage Area 2.* A circular area with a 500-yard radius around a center point located at latitude 29°47′30″; longitude 85°21′30″, 3,100 yards southeast of FW South Channel Light and 5,250 yards south of FW North Channel Light, in St. Joseph Bay, Port St. Joe, Florida.

(b) *The regulations.* (1) The explosives anchorage areas shall be used as temporary anchorage for vessels engaged in loading and unloading explosives at the port of Port St. Joe, Florida, when the duration of the anchorage period is less than 96 hours.

(2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

### § 110.194 Mobile Bay, Ala., at entrance.

(a) *The anchorage grounds.* The waters within a radius of 750 yards from a point located 1,000 yards true north from Fort Morgan Light.

(b) *The regulations.* (1) This anchorage shall be used by vessels loading or discharging high explosives. It shall also be used by vessels carrying dangerous or inflammable cargoes requiring an anchorage. It may be used for a general anchorage when not required for vessels carrying explosives or dangerous or inflammable cargoes.

(2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

### § 110.194a Mobile Bay, Ala., and Mississippi Sound, Miss.

(a) *The anchorage grounds.* (1) The waters of lower Mobile Bay, near Cedar Point, within an area bounded on the north by latitude 30°21'00", on the east by longitude 88°05'00", on the south by latitude 30°20'00", and on the west by longitude 88°06'00".

(2) The waters of Mississippi Sound, south of Biloxi, within an area bounded on the north by latitude 30°20'00", on the east by longitude 88°54'00", on the south by latitude 30°19'00", and on the west by longitude 88°55'00".

(b) *The regulations.* (1) The anchorages are exclusively for the use of unmanned barges, canal boats, scows, and other nondescript vessels. Such craft shall be so anchored that they will not at any time extend outside the limits of the anchorages.

(2) In emergencies or whenever maritime or commercial interests of the United States so require, the Captain of the Port is authorized to shift the position of any craft in the anchorages.

(3) Whenever in the opinion of the Captain of the Port, such action may be necessary, any or all craft in these anchorages may be required to be moored with two or more anchors.

(4) No vessel shall be navigated within the anchorages at a speed exceeding six knots.

### § 110.194b Mississippi Sound and Gulf of Mexico, near Petit Bois Island, Miss.

(a) *The anchorage grounds*—(1) *Explosives Anchorage Area No. 1.* A circular area with a one-half mile radius with its center located at latitude 30°14'09", longitude 88°29'13", in the waters of Mississippi Sound north of the west end of Petit Bois Island.

(2) *Explosives Anchorage Area No. 2.* A circular area with a three-fourths mile radius with its center located at latitude 30°11'12", longitude 88°30'07", in the waters of Gulf of Mexico south of the west end of Petit Bois Island.

(b) *The regulations.* (1) The areas shall be used as temporary anchorages for vessels engaged in loading and unloading explosives at the Port of Pascagoula, Miss.

(2) No vessel shall occupy the areas without obtaining a permit from the Captain of the Port.

### § 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.

(a) *The anchorage grounds*—(1) *Pilottown Anchorage.* An area approximately 5.2 miles in length along the right descending bank or west side of the river. The east limit of the anchorage area at the upstream end starts at a point approximately 1,600 feet from the east bank at Mile 6.7 above Head of Passes and extends downstream generally parallel to and 1,600 feet from the east bank line to a point directly opposite Old Quarantine Station Light at Mile 3.7 above Head of Passes; thence to a point 1,600 feet directly opposite Cubits Gap Light at Mile 2.8 above Head of Passes; thence to a point 1,600 feet directly opposite Pilottown Wingdam Light at Mile 1.5 above Head of Passes, which is the downstream limit of the anchorage area. The area is marked by large signs, "Pilottown Anchorage," located on the right bank at the lower and upper limits. This anchorage is for ships which cannot proceed to sea because of fog at the Gulf ends of South and Southwest Passes, or for any other reason.

(2) *Explosives anchorage.* An area along the right descending bank or west side of the river, 1,000 feet wide, extending upstream and downstream from a point located 1.4 miles upstream from Oak Point Light. The Commander, Eighth Coast Guard District, will designate anchorages upstream and downstream from this point. This anchorage is reserved for vessels carrying explosives. It may be used for a general anchorage when not required for vessels carrying explosives or dangerous or inflammable cargo. No vessel shall occupy this anchorage without obtaining a permit

from the Commander, Eighth Coast Guard District.

(3) *New Orleans general anchorage.* The New Orleans General Anchorage is an area contained within a line beginning at a point on the right descending bank of the Mississippi River 0.7 statute mile downstream of the U.S. Quarantine Station Wharf (the approximate location of this point is marked by a large sign reading "General Anchorage"), from the beginning point to a point 800 feet perpendicular to the bank at the beginning point, thence 2.1 statute miles downstream along a line parallel to the right descending bank, thence to a point on the right descending bank 0.5 statute mile upstream of the Algiers Cutoff Canal Entrance Light (the approximate location of this point is marked by a large sign reading "General Anchorage"), thence along the bank to the beginning point. Vessels may anchor alongside of other vessels or in fleets within this anchorage ground. During slack or low water periods, vessels anchoring alongside of other vessels or in fleets shall use bow and stern anchors.

(4) *Quarantine anchorage.* An area approximately 4,000 feet in length along the right descending bank or southwest side of the river, 800 feet wide, extending from the upper limits of the New Orleans general anchorage, approximately 0.7 mile downstream from the United States Quarantine Station Wharf, upstream to a point marked by a sign located at the lower end of the Todd-Johnson Wharf, approximately 160 feet upstream from the Quarantine Station Wharf. This anchorage must be used by vessels awaiting inspection by United States Public Health officials or under actual quarantine, and is under the supervision of the Officer in Charge of the United States Quarantine Station (section 364, Public Health Service Act, July 1, 1944, 58 Stat. 704; 42 U.S.C. 267).

(5) *Cargo transfer anchorage.* An area approximately 1.7 miles in length along the left descending bank of the river, about 600 feet wide, extending from Mile 127.3 to Mile 129.0 above Head of Passes. This area is located adjacent to the river end of Bonnet Carre Spillway. During the time when the Bonnet Carre Spillway is operating, vessels will not be permitted to use this area but will moor at areas as directed by the District Commander. Upon completion of the transfer of cargo, vessels shall move from this area.

(6) *Temporary anchorages, Baton Rouge, New Orleans to Head of Passes.* Vessels awaiting berthing at riverside wharves between Head of Passes and Mile 233 above Head of Passes will anchor in a manner and area as prescribed by the District Commander.

(7) *Baton Rouge general anchorage.* An area, 1,400 feet wide, between Mile 225.8 and Mile 227.3 above Head of Passes with its west limit along the low water line.

(b) *The regulations.* (1) Except in cases of poor visibility or other emergency, anchoring is prohibited in the Mississippi River below Baton Rouge outside of the established anchorages or in South and Southwest Passes. If it becomes necessary in an emergency to anchor a vessel outside of the prescribed anchorages the vessel shall be so anchored that it will not interfere with or endanger other vessels, and it shall be moved as soon as the emergency is over. If it becomes necessary in an emergency to anchor a vessel in South Pass or Southwest Pass, the vessel shall take a position as close to the east bank as possible.

(2) When tied up individually or in fleets vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents, or the suction of passing vessels.

(3) Except in case of great emergency, no vessel or craft shall anchor over revetted banks of the river. Every precaution shall be exercised at all times to avoid damage to the revetment works. The location of mattress work in New Orleans Harbor is indicated by warning signs erected at the ends and center of each reach of mattress work. Generally, mattress work extends out into the river 600 feet from the low water line. Information as to the location of revetted areas may be obtained from, and will be published from time to time by, the District Engineer,

Corps of Engineers, New Orleans, Louisiana.

(4) The masters and pilots of all seagoing steamers, tugboats, and other vessels passing the explosives anchorage shall regulate the speed of their vessels over the bed of the river so as not to exceed seven miles per hour going downstream or five miles per hour going upstream whenever any vessel is anchored or moored within the explosives anchorage and engaged in handling explosives.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-8, 33 FR 4799, Mar. 21, 1968; CGFR 68-30, 33 FR 4882, Mar. 22, 1968; CGFR 71-73, 36 FR 13387, July 21, 1971; CGFR 71-138, 36 FR 21756, Nov. 13, 1971]

### § 110.196 Sabine Pass Channel, Sabine Pass, Tex.

(a) *The anchorage area.* The navigable waters of Sabine Pass within a trapezoidal area 1,500 feet wide and varying uniformly in length from 5,800 feet to 3,000 feet with the long side adjacent to the northeasterly edge of Sabine Pass Channel at a location opposite the town of Sabine Pass.

(b) *The regulations.* (1) The anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting weather and tidal conditions favorable to the resumption of their voyages.

(2) Except when stress of weather or adverse tides or currents make sailing impractical or hazardous, vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized by the Captain of the Port to anchor for longer periods.

(3) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from available anchorage spaces.

(4) Anchors shall not be placed channelward from the anchorage area, and no portion of the hull or rigging of any anchored vessel shall extend channelward from the limits of the anchorage area.

(5) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in paragraph (b)(3) of this section.

(6) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place are prohibited.

(7) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside of the anchorage area including any vessel which is moored or anchored so as to obstruct navigation or interfere with range lights.

### § 110.197 Galveston Harbor, Bolivar Roads Channel, Tex.

(a) *The anchorage area.* The area in Bolivar Roads bounded by the north channel edge extending west from Buoy "10", latitude 29°20′48.5″, longitude 94°42′52.5″; thence to Buoy "12", latitude 29°20′43″, longitude 94°44′46.5″; thence 029° to Buoy "B", latitude 29°21′15″, longitude 94°44′27″; thence 096° to Buoy "A", latitude 29°21′05.3″, longitude 94°42′51.4″; thence 183°30′ to the point of beginning.

(b) *The regulations.* (1) The anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting weather and other conditions favorable to the resumption of their voyages.

(2) Except when stress of weather makes sailing impractical or hazardous, vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized by the Captain of the Port to anchor for such longer periods.

(3) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from available anchorage spaces.

(4) Anchors shall not be placed in the channel and no portion of the hull or rigging of any anchored vessel shall extend outside the limits of the anchorage area.

(5) Vessels using spuds for anchors shall anchor as close to shore as practicable, having due regard for the provisions in paragraph (b)(3) of this section.

(6) Fixed moorings, piles or stakes, and floats or buoys for marking an-

chorages or moorings in place, are prohibited.

(7) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, or his authorized representative, is hereby empowered to shift the position of any vessel anchored or moored within the anchorage area.

[CGFR 68-151, 33 FR 20039, Dec. 31, 1968]

### § 110.205 Chicago Harbor, Ill.

(a) *The anchorage grounds*—(1) *Anchorage A, exterior breakwater.* Southwest of a line parallel with and 150 feet southwestward of the exterior breakwater; west of a line parallel with and 150 feet west of the south extension of the exterior breakwater; northeast of a line parallel with and 1,500 feet southwestward of the exterior breakwater; and east of a line parallel with the south extension of the exterior breakwater and 500 feet eastward of the east face of the filtration plant.

(2) *Anchorage B, south arm.* West of a line parallel with and 150 feet west of the south arm of the exterior breakwater; north of a line perpendicular to the south arm at its south end; east of a line parallel with the south arm, about 2,200 feet therefrom and on line with the east face of the Municipal Pier; and south of a line perpendicular to the south arm 700 feet from its north end.

(3) *Anchorage C, shore arm.* South of a line parallel with and 150 feet southward of the shore arm of the exterior breakwater; west of a line parallel with the south extension of the exterior breakwater, 100 feet westward of the east end of the shore arm; northwest of a line perpendicular to the Lake Shore Drive revetment and 300 feet northwest of the northwest corner of the filtration plant; and east of a line parallel with and 600 feet lakeward of the Lake Shore Drive revetment.

(4)-(5) [Reserved]

(6) *Anchorage F, Filtration Plant Slip.* South of the south face of the filtration plant; west of the east face of the filtration plant; north of a line 80 feet south of the south face of the filtration plant; and east of a line 1,400 feet west of the east face of the filtration plant.

(b) *The rules and regulations.* (1) Except in cases of emergency, no vessel may be anchored in Chicago Harbor outside of the anchorage grounds in paragraph (a) of this section or the special anchorage areas prescribed in § 110.83.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(4) The maneuvering of a vessel by means of a dragged anchor, except within an established anchorage ground or in stress of weather or to avoid collision, is prohibited. Unnecessary maneuvering in any of the anchorage grounds is prohibited.

(5) The directions of the Captain of the Port assigning vessels to parts of the anchorage grounds suitable to their draft, requiring vessels to anchor bow and stern, requiring shifting the anchorage of any vessel within any anchorage ground for the common convenience, or for otherwise enforcing this section, shall be promptly executed by owners, masters, and persons in charge of vessels.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(7) No vessel may use anchorages A, B, and F except commercial vessels operated for profit. No person may place floats or buoys for marking moorings or anchors in place in anchorages A

and B. No person may place fixed mooring piles or stakes in anchorages A and B. (Mooring facilities are available along the south side of the filtration plant in anchorage F.)

(8) No commercial vessels operated for profit that measure 50 gross tons or more may anchor in anchorage C. Temporary floats or buoys for marking moorings or anchors in place may be used in anchorage C. No person may place a fixed mooring pile or stake in anchorage C.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 70-65a, 36 FR 7967, Apr. 28, 1971]

### § 110.207 Cleveland Harbor, Ohio.

(a) *The anchorage grounds*—(1) *West anchorage.* The northwesterly portion of the West Basin between the northwest limits of the West Basin and a line parallel to and 1,050 feet distant from the West Breakwater; and from the southwest limits of the West Basin to a line perpendicular to the West Breakwater, 2,050 feet southwesterly along the West Breakwater from Cleveland West Breakwater Light.

(2) *East anchorage.* The southeasterly portion of the East Basin between the mainland and a line parallel to and 1,250 feet distant from the East Breakwater; from opposite Cleveland East Entrance Light to a due north line passing through the flashing white light on the Allied Oil Company dock.

(3) *Explosives anchorage.* In Lake Erie, northwest of Cleveland Harbor East Breakwater, and including a rectangular area marked by four white spar buoys at the following true bearings and distances from Cleveland East Pierhead Light: 38°30′, 2,050 feet; 68°, 2,050 feet; 57°, 7,050 feet; and 49°, 7,050 feet.

(b) *The regulations.* (1) The west and east anchorages are general anchorages.

(2) Use of the explosives anchorage shall be subject to the supervision of the Captain of the Port.

### § 110.208 Buffalo Harbor, N.Y.

(a) *The anchorage grounds*—(1) *Explosives Anchorage A.* Inside the south section of the main breakwater 700 feet wide starting at a point 500 feet southerly from the south end of the north section and extending approximately 153° true, 3,000 feet parallel to the line of the south section of the main breakwater.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 77-210, 44 FR 50040, Aug. 27, 1979]

### § 110.210 San Diego Harbor, Calif.

(a) *The anchorage grounds.* The anchorage grounds for general use shall include all of the navigable waters of the harbor except cable and pipe-line areas, the special anchorage areas described in § 110.90, the seaplane restricted area described in § 207.612 of this chapter, and the following:

(1) *Special anchorage for U.S. Government vessels.* Shoreward of a line extending from Ballast Point Light approximately 351°30′ to the shore end of the Quarantine Dock.

(2) [Reserved]

(3) *Nonanchorage area.* A lane between San Diego and Coronado bounded on the east by a line extending southerly from a point 410 feet west of United States bulkhead line Station 220 on the San Diego side of the bay to a point 350 feet west of United States bulkhead line Station 149 on the Coronado side of the bay, and on the west by a line extending due north from the intersections of the west side of "E" Avenue with the south side of First Street, Coronado, and a line extending 225° from the intersection of the west side of Pacific Highway with the north side of Harbor Drive, San Diego.

(4) [Reserved]

(5) *"B" Street Merchant Vessel Anchorage.* Due west from the southwest corner of the "B" Street pierhead to latitude 32°43′00″, longitude 117°11′00″; thence northeasterly to latitude 32°43′20″, longitude 117°10′51″; thence due east to the shoreline; thence following the shoreline and pier to the point of beginning.

NOTE: This anchorage is reserved for the use of merchant vessels calling at the Port of San Diego while awaiting a berth. The control of this anchorage is vested in the Port Director, Port of San Diego, Unified Port District.

(b) *The regulations.* (1) Vessels anchoring in portions of the harbor other than the areas excepted in paragraph (a) of this section shall leave a free passage for other craft and shall not unreasonably obstruct the approaches to the wharves in the harbor.

(2) The special anchorage described in paragraph (a)(1) of this section is reserved exclusively for the anchorage of vessels of the United States Government and of authorized harbor pilot boats. No other vessels shall anchor in this area except by special permission obtained in advance from the Commandant, Eleventh Naval District, San Diego, California.

(3) [Reserved]

(4) The area described in paragraph (a)(3) of this section is occupied by submerged pipe lines, power cables, and communication cables and is extensively used as a ferry lane by the San Diego-Coronado ferries. No vessels shall anchor in this area at any time.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-37, 34 FR 6577, Apr. 17, 1969; CGFR 69-25, 34 FR 6685, Apr. 19, 1969; CGD 11-80-03, 45 FR 43166, June 26, 1980]

EFFECTIVE DATE NOTE: At 45 FR 43166, June 26, 1980, § 110.210(a)(2) and (b)(3) were removed, effective July 28, 1980. For the convenience of the user, the superseded text is set out below.

### § 110.210 San Diego Harbor, Calif.

(a) * * *

(2) *Seaplane area, U.S. Coast Guard Air Station.* An area extending easterly from the Coast Guard Air Station, bounded on the north by a line parallel to and 100 feet bayward of the highwater line, on the east by a line from United States Pierhead Line Station 300 to Bulkhead Station 210 and extended northward, and on the south by that portion of the pierhead line between Stations 206 and 300.

* * * * *

(b) * * *

(3) The seaplane area described in paragraph (a)(2) of this section is reserved exclusively for the use of seaplanes and their attendant plant. Vessels may pass through the area but are not permitted to anchor in the area at any time.

* * * * *

### § 110.212 Newport Bay Harbor, Calif.

(a) *The anchorage grounds*—(1) *Temporary Anchorage C-1.* Southeast of a line parallel to and 170 feet from the pier-head line at the east end of Lido Isle; north of a line parallel to and 250 feet north of a line bearing 268° from the flashing green beacon off Bay Island and passing through the beacon off 13th Street, this line being the north line of the main fairway; northwest of a line 120 feet in length bearing 203° from the point of the pierhead line off the west end of Harbor Island; and southwest of the pierhead line off the northeast shore of Lido Isle extended.

(2) *Temporary Anchorage C-2.* A parallelogram-shaped area, 100 feet wide and 400 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the north side of Anchorage C-3 described in paragraph (a)(3) of this section.

(i) Vessels may anchor temporarily in Temporary Anchorages C-1 and C-2 when necessary and space permits, but shall move promptly when the necessity passes or upon order of the harbor master.

(ii) Vessels anchoring in Temporary Anchorages C-1 and C-2 shall comply with all applicable Pilot Rules, including that requiring anchor lights at night.

(iii) Floats or buoys for marking anchors or mooring in place and fixed mooring piles or stakes are prohibited.

(3) *Anchorage C-3.* A parallelogram-shaped area, 100 feet wide and 500 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the south side of Temporary Anchorage C-2 described in paragraph (a)(2) of this section.

(i) This area is reserved for recreational and other small craft.

(ii) Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 and other local harbor regulations for recreational and small craft of such size and alignment as permitted by the harbor master.

(iii) All vessels using this area are required to maintain anchor lights from sunset to sunrise.

(b) *The regulations.* (1) Vessels may anchor temporarily in these areas when necessary and space permits, but shall move promptly when the necessity passes or upon order of the harbor master.

(2) Vessels anchoring in these areas shall comply with all applicable Pilot Rules, including that requiring anchor lights at night.

(3) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited.

### § 110.214 Los Angeles and Long Beach Harbors, Calif.

(a) *The anchorage grounds*—(1) *Commercial Anchorage A* (*Los Angeles Harbor*). An area enclosed by a line beginning at Los Angeles Light, latitude 33°42′30.8″ N., longitude 118°15′02.3″ W.; thence northerly to latitude 33°42′50.2″ N., longitude 118°15′40.0″ W.; thence along the southern edge of the Deep Channel Fairway, which is described as follows:

| *Latitude* | *Longitude* |
|---|---|
| 33°42′45.1″ N. | 118°16′03.9″ W. |
| 33°42′37.9″ N. | 118°16′08.9″ W. |
| 33°42′35.6″ N. | 118°16′18.9″ W. |
| 33°42′37.7″ N. | 118°16′23.3″ W. |
| 33°42′45.2″ N. | 118°16′25.7″ W. |
| 33°42′50.8″ N. | 118°16′35.4″ W. |
| 33°42′48.6″ N. | 118°16′38.4″ W. |

thence along the eastern boundary of General Anchorage N to the San Pedro Breakwater at latitude 33°42′26.8″ N., longitude 118°16′30.9″ W.; thence southeasterly and easterly along the San Pedro Breakwater to the beginning point.

(i) In this anchorage the requirements of commerical ships conducting bunkering operations shall predominate.

(ii) Lightering operations are prohibited in this anchorage.

(iii) No vessel may anchor in this anchorage for a period longer than 24 hours without permission from the Captain of the Port.

(2) *Commercial Anchorage B* (*Los Angeles and Long Beach Harbors*). An area enclosed by a line beginning at the southwestern corner of Reservation Point at latitude 33°43′18.0″ N., longitude 118°16′00.2″ W.; thence east southeasterly to latitude 33°43′13.8″ N., longitude 118°15′51.4″ W.; thence northeasterly to latitude 33°44′00.9″ N., longitude 118°13′11.2″ W.; thence northwesterly to the southern edge of the eastern extension of the Naval Base Mole at latitude 33°44′32.3″ N., longitude 118°13′24.3″ W.; thence southwesterly along the Naval Base Mole to Naval Base Mole Light 2 at latitude 33°44′25.5″ N., longitude 118°13′49.0″ W.; thence southwesterly to latitude 33°43′50.7″ N., longitude 118°15′41.7″ W.; thence west southwesterly to Fish Harbor Channel Light 3 at latitude 33°43′48.8″ N., longitude 118°15′52.7″ W.; thence west southwesterly along the southern edge of Fish Harbor west jetty until it intersects Reservation Point; thence along the eastern and southern shoreline of Reservation Point to the beginning point.

(i) In this anchorage the requirements of commercial vessels shall predominate.

(ii) Bunkering operations are permitted in this anchorage.

(iii) Lightering operations are prohibited in this anchorage.

(iv) Anchorage B may be used by any vessel granted an extended anchorage permit in accordance with paragraph (b)(6) of this section.

(v) Each vessel in this anchorage shall be anchored in such a position as not to interfere with the free navigation of the Fish Harbor Channel.

(3) *Commercial Anchorage C* (*Los Angeles and Long Beach Harbors*). An area enclosed by a line beginning at Los Angeles Main Channel Light 2, latitude 33°42′38.8″ N., longitude 118°14′37.5″ W.; thence northwesterly to the southernmost point of Commercial Anchorage B, latitude 33°43′13.8″ N., longitude 118°15′51.4″ W.; thence northeasterly to latitude 33°44′12.1″ N., longitude 118°12′32.3″ W.; thence southeasterly to Long Beach Channel Entrance Light, latitude 33°43′23.5″ N., longitude 118°11′09.4″ W.; thence westerly along the Middle Breakwater to the beginning point.

(i) In this anchorage the requirements of commercial vessels shall predominate. In the eastern portion of this anchorage, within the area defined by the 18m (approximately 59 ft.) depth curve, the requirements of vessels over 244m (approximately 800 ft.) in length overall or having a draft over 12m (approximately 39 ft.) shall predominate. Each lesser draft vessel shall anchor away from this deeper portion of the anchorage so as not to interfere with the anchoring of vessels having a draft over 12m (approximately 39 ft.).

(ii) Bunkering and lightering operations are permitted in this anchorage.

(iii) In the eastern portion of this anchorage, within the area defined by the 18m (approximately 59 ft.) depth curve, no vessel may anchor for longer than 48 hours without permission from the Captain of the Port.

(4) *Commercial Anchorage D* (*Long Beach Harbor*). An area enclosed by a line beginning at Long Beach Channel Entrance Light 2 at latitude 33°43'23.5"N., longitude 118°10'46.9"W.; thence northwesterly to the southwestern point of Pier J at latitude 33°44'18.9"N., longitude 118°12'11.8"W.; thence easterly to the southeastern point of Pier J at latitude 33°44'18.6"N., longitude 118°11'06.7"W.; thence easterly to the Southwest Lighted Marker on Island Freeman at latitude 33°44'25.2"N., longitude 118°09'46.0"W.; thence southerly to the Long Beach Breakwater at latitude 33°43'23.5"N., longitude 118°09'46.4"W.; thence westerly to the beginning point.

(i) In this anchorage the requirements of commercial ships over 244m (approximately 800 ft.) shall predominate.

(ii) Bunkering and lightering operations are permitted in this anchorage.

NOTE: A portion of this anchorage is within the Explosive Anchorage Area, when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(17).

(5) *Commercial Anchorage E* (*Long Beach Harbor*). An area enclosed by a line beginning at the southeastern point of Pier J at latitude 33°44'18.6"N., longitude 118°11'06.7"W.; thence northerly along the edge of Pier J to the breakwater off the stern of the *Queen Mary;* thence along the breakwater off the stern of the *Queen Mary* to the northeast corner of the breakwater at latitude 33°45'10.0"N., longitude 118°11'12.0"W.; thence northerly to latitude 33°45'22.0"N., longitude 118°11'12.0"W.; thence northeasterly to latitude 33°45'34.1"N., longitude 118°10'39.5"W.; thence easterly along a line 460m (1,509.186 ft.) from and parallel to the Long Beach shoreline to latitude 33°44'56.1"N., longitude 118°08'10.1"W.; thence southerly to latitude 33°44'19.0"N., longitude 118°08'10.1"W.; thence westerly to the Southwest Lighted Marker on Island Chaffee at latitude 33°44'20.0"N., longitude 118°08'20.0"W.; thence westerly to the Southeast Lighted Marker on Island Freeman at latitude 33°44'23.6"N., longitude 118°09'39.1"W.; thence along the south shore to the Southwest Lighted Marker on Island Freeman at latitude 33°44'25.2"N., longitude 118°09'46.0"W.; thence westerly to the beginning point.

(i) In this anchorage the requirements of commercial ships shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

NOTE: A portion of this Anchorage is within the Explosive Anchorage Area, when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(17).

(6) *Commercial Anchorage F* (*Outside of Long Beach Breakwater*). The area southeast of the Long Beach Breakwater enclosed by a line beginning at latitude 33°43'05.1"N., longitude 118°07'56.2"W.; thence westerly to latitude 33°43'05.1"N., longitude 118°10'33.5"W.; thence southeasterly to latitude 33°40'23.3"N., longitude 118°08'32.5"W.; thence easterly to latitude 33°40'23.3"N., longitude 118°06'00.0"W.; thence to the beginning point.

(i) In this anchorage the requirements of commercial ships over 244m (approximately 800 ft.) in length overall or having a draft over 12 meters (approximately 39 ft.) shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

NOTE: A portion of this anchorage is within the Explosive Anchorage Area, when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(17).

(7) *Commercial Anchorage G* (*Outside of the Middle Breakwater*). The area south of the middle breakwater enclosed by a line beginning at latitude 33°43'05.3"N., longitude 118°11'15.3"W.; thence westerly to latitude 33°43'05.3"N., longitude 118°12'15.7"W.; thence southwesterly

parallel to the breakwater to latitude 33°42'25.9"N., longitude 118°14'16.0"W.; thence southeasterly to latitude 33°41'40.5"N., longitude 118°13'02.0"W.; thence northeasterly to latitude 33°42'08.6"N., longitude 118°11'33.8"W.; thence to the beginning point.

(i) In this anchorage the requirements of commercial ships shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

(iii) No vessel may enter this anchorage ground unless it is to be anchored in this area.

(8) *Naval Anchorage J* (*Long Beach Harbor*). An area enclosed by a line beginning at Naval Base Mole Light 5, latitude 33°44'40.0"N., longitude 118°12'59.8"W.; thence west southwest along the southerly edge of the Naval Base Mole to latitude 33°44'32.3"N., longitude 118°13'24.3"W.; thence southeasterly along a line perpendicular to the Naval Base Mole which is the eastern boundary of Commercial Anchorage B to the northern boundary of Commercial Anchorage C at latitude 33°44'00.9"N., longitude 118°13'11.2"W.; thence northeasterly along the northern boundary of Commercial Anchorage C until that line intersects the western edge of the Long Beach Channel at latitude 33°44'12.1"N., longitude 118°12'32.3"W.; thence northwesterly along the western edge of the Long Beach Channel to the beginning point.

(i) In this anchorage the requirements of the U.S. Navy shall predominate.

(ii) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port.

(iii) Bunkering and lightering operations are prohibited in this anchorage.

(9) *Naval Anchorage K* (*Long Beach Harbor*). An area enclosed by a line beginning at Long Beach Breakwater East End Light, latitude 33°43'23.5"N., longitude 118°08'10.0"W.; thence northerly to latitude 33°44'19.0"N., longitude 118°08'10.1"W.; thence westerly to the Southwest Lighted Marker on Island Chaffee at latitude 33°44'20.0"N., longitude 118°08'20.0"W.; thence westerly to the Southeast Lighted Marker on Island Freeman at latitude 33°44'23.6"N., longitude 118°09'39.1"W.; thence along the southern shore to the Southwest Lighted Marker on Island Freeman at latitude 33°44'25.2"N., longitude 118°09'46.0"W.; thence southerly to the Long Beach Breakwater at latitude 33°43'23.5"N., longitude 118°09'46.4"W.; thence easterly along the Long Beach Breakwater to the beginning point.

(i) In this anchorage the requirements of the U.S. Navy shall predominate.

(ii) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port. When granting permission, preference will be given to the requirements of vessels over 244m (approximately 800 ft.) in length.

(iii) Bunkering operations are permitted in this anchorage.

(iv) Lightering operations are prohibited in this anchorage.

(v) This anchorage may be designated an explosive anchorage. See § 110.214(a)(17).

(10) *General Anchorage N* (*Los Angeles Harbor*). An area enclosed by a line beginning at latitude 33°43'04.0"N., longitude 118°16'44.4"W.; thence southerly to the San Pedro Breakwater at latitude 33°42'26.8"N., longitude 118°16'30.9"W.; thence along the San Pedro shoreline to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchoring, mooring, and recreational boating activities conforming to applicable City of Los Angeles ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

(11) *General Anchorage O* (*Los Angeles and Long Beach Harbor*). An area enclosed by a line beginning at the Naval Base Mole Light 2, latitude 33°44'25.5"N., longitude 118°13'49.0"W.; thence southwesterly along the northern boundary of Commercial Anchorage B to latitude 33°43'50.7"N., longitude 118°15'41.7"W.; thence along the Terminal Island shore line to the

northwest corner of Nonanchorage U at latitude 33°44'19.2"N., longitude 118°15'25.2"W.; thence along the seaward boundary of Nonanchorage U to the shoreline at latitude 33°44'22.0"N., longitude 118°15'19.1"W.; thence along the Terminal Island shore line to the beginning point.

(i) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

(iii) When necessary, this anchorage shall be reserved for vessels under the custody of the United States.

(12) *General Anchorage P (Long Beach Harbor).* Mouth of the Los Angeles River The water area extending westward and northward to the head of navigation from a line drawn northward to the shore from the northeasterly corner of Pier J at latitude 33°45'10.0"N., longitude 118°11'12.0"W.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchoring, mooring and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

(iii) A 140m (approximately 459 ft.) fairway channel from the easterly boundary of this anchorage to the Navy Landing and Marina shall be maintained free of moorings and other obstructions at all times. Points of the fairway are as follows:

| *Latitude* | *Longitude* |
|---|---|
| 33°45'10.0" N. | 118°11'12.0" W. |
| 33°45'15.9" N. | 118°11'12.0" W. |
| 33°45'40.8" N. | 118°11'54.6" W. |
| 33°45'47.2" N. | 118°12'08.0" W. |

(13) *General Anchorage Q (Long Beach Harbor/Alamitos Bay/Anaheim Bay).* Beginning at the northeastern corner of Commercial Anchorage E at latitude 33°44'56.1" N., longitude 118°08'10.1" W.; thence southeasterly to the northwestern corner of Nonanchorage W at latitude 33°44'20.6" N., longitude 118°07'28.5" W., thence along the southern boundary of Nonanchorage W (a semicircle with a 460m (approximately 1,509 ft.) radius that is centered mid-channel on a line between Alamitos Bay West Jetty Light 1 and Alamitos Bay Jetty Light 2) to latitude 33°44'04.6"N., longitude 118°06'58.2"W.; thence northwesterly to Alamitos Bay East Jetty Light 2, latitude 33°44'11.3"N., longitude 118°07'09.8"W.; thence northeasterly along the eastern edge of the Alamitos Bay East Jetty 460m (approximately 1,509 ft.) to latitude 33°44'23.9"N., longitude 118°07'01.1"W.; thence easterly to the southern most point of the east bank of the San Gabriel River at latitude 33°44'23.8"N., longitude 118°06'53.7"W.; thence along the southern shoreline of Seal Beach until the shoreline intersects the Anaheim Bay West Jetty; thence along the western edge of the Anaheim Bay West Jetty to the Anaheim Bay Light 5, latitude 33°43'39.1"N., longitude 118°06'03.3"W.; thence westerly to the southeast corner of Nonanchorage V at latitude 33°43'27.3"N., longitude 118°07'36.8"W.; thence northwesterly to the northeast corner of Nonanchorage V at latitude 33°43'38.4"N., longitude 118°07'45.5"W.; thence westerly to the northwest corner of Nonanchorage V at latitude 33°43'38.4"N., longitude 118°08'10.1"W.; thence to the beginning point.

(i) Bunkering and lightering operations are prohibited in this anchorage.

NOTE: A portion of this anchorage is within the Explosive Anchorage Area, when the explosive anchorage is activated by the Captain of the Port. See § 110.214.(a)(17).

(14) *Nonanchorage U (Los Angeles Harbor).* An area enclosed by a line beginning at latitude 33°44'19.2"N., longitude 118°15'25.2"W.; thence south to latitude 33°44'12.8"N., longitude 118°15'22.0"W., thence easterly to latitude 33°44'15.3"N., longitude 118°15'15.6"W.; thence northerly to latitude 33°44'22.0"N., longitude 118°15'19.1"W.; thence along the Terminal Island shoreline to the beginning point.

(i) No vessel may anchor or moor in this anchorage.

(ii) Dragging, seining, fishing operations, and other activities which might foul underwater installations within this nonanchorage area are prohibited.

NOTE: This nonanchorage is established for protection of a submerged outfall of sewer pipeline.

(15) *Nonanchorage V (Long Beach Harbor).* An area enclosed by a line beginning at Long Beach Breakwater East End Light, latitude 33°43′23.5″N., longitude 118°08′10.1″W.; thence northerly to latitude 33°43′38.4″N., longitude 118°08′10.1″W.; thence easterly to latitude 33°43′38.4″N., longitude 118°07′45.5″W.; thence southeasterly to latitude 33°43′27.3″N., longitude 118°07′36.8″W.; thence to the beginning point.

(i) No vessel may anchor or moor in this nonanchorage.

(ii) Dragging, seining, fishing operations, and other activities which might foul underwater installations within this nonanchorage are prohibited.

NOTE: This nonanchorage is established for protection of a submerged pipeline.

(16) *Nonanchorage W (Mouth of Entrance Channel to Alamitos Bay).* Nonanchorage Area W is a semicircle with a 460m (approximately 1,509 ft.) radius that is centered at midchannel on a line between Alamitos Bay West Jetty Light 1 and Alamitos Bay East Jetty Light 2 and which extends seaward from that line.

(i) No vessel may anchor or moor in this nonanchorage.

(17) *Explosives Anchorage (Long Beach Harbor).* A circular area with its center at latitude 33°43′37.0″N., longitude 118°09′02.5″W., and a radius of 1,745m (approximately 5,725 ft.).

(i) No vessel containing more than 680 metric tons (approximately 749 tons) of explosives may anchor in this anchorage.

(ii) Each anchored vessel loading, unloading, or laden with explosives, must display a red flag of at least 1.2 square meters (approximately 16 square feet) in size by day, and at night the flag must be illuminated by spotlight.

(iii) When a vessel displaying the signal required by § 110.214(a)(17)(ii) occupies the Explosives Anchorage, no other vessel may anchor within the Explosives Anchorage.

NOTE: When the Explosives Anchorage is activated, Anchorage K and portions of Anchorage D, E, F, and Q are encompassed by the Explosives Anchorage.

(b) *General Regulations.* (1) Within Los Angeles and Long Beach Harbors and the U.S. navigable waters of the Los Angeles-Long Beach Precautionary Zone, anchoring is prohibited outside of designated anchorages except:

(i) In cases of emergency; or

(ii) Unless specific permission is obtained from the Captain of the Port to anchor outside of a designated anchorage.

(2) When, due to an emergency, a vessel is anchored outside of a designated anchorage the master or person in charge of the vessel shall:

(i) Position the vessel so that it does not interfere with or endanger any facility or other vessel;

(ii) Notify the Captain of the Port of the location of and reason for emergency anchoring; and

(iii) Move the vessel as soon as the emergency is over.

(3) Upon anchoring within and departure from an anchorage the master or person in charge of a vessel shall notify the Captain of the Port by the most expeditious means.

NOTE: The Captain of the Port guards VHF-FM Channel 16 (156.8 MHZ).

(4) The master or person in charge of each anchored vessel unable to get underway within 4 hours shall:

(i) Notify the Captain of the Port by the most expeditious means; and

(ii) Ensure a second anchor is backed out and ready for use.

(5) The Captain of the Port may require a vessel in an anchorage to have a watchman on board at all times.

(6) Except as otherwise prescribed in this section, no vessel may occupy an anchorage inside of the San Pedro-Long Beach Breakwater for more than 10 consecutive days unless an extended anchorage permit is granted by the Captain of the Port. In determining whether an extended anchorage permit will be granted, consideration will be given, but not limited, to the current and anticipated demand for anchorage space within the harbor, the length of time requested and the reason for the request.

NOTE: Commercial Anchorages A and C have additional time restrictions. See § 110.214(a)(1)(iii) and § 110.214(a)(3)(iii).

(7) The Captain of the Port may permit vessels to anchor in channels. Permission is not necessary for vessels engaged on works of river and harbor improvement under the supervision of the District Engineer, Corps of Engineers, if the District Engineer has notified the Captain of the Port in advance of all such proposed work.

(8) No vessel may be anchored so that it will swing within 60m (approximately 197 ft.) of any permanent improvements except in an emergency.

(9) No anchor may be placed outside the anchorages, nor may any vessel be so anchored that any portion of its hull or rigging extends outside the boundaries of the anchorages.

(10) No vessel may be anchored in any anchorage in such a manner as to interfere with the use of an authorized mooring buoy.

(11) The master or person in charge of each vessel to be lightered shall notify the Captain of the Port by the most expeditious means when the lightering vessel arrives alongside and again when the lightering vessel departs.

NOTE: The Captain of the Port guards VHF-FM Channel 16 (156.8 MHZ).

(12) No vessel while carrying, loading, or unloading explosives; in accordance with 46 CFR 146.29-13; or cargoes of particular hazard as listed in § 126.10 of this chapter, may be anchored in an anchorage without permission from the Captain of the Port.

NOTE: In granting such permission, the Captain of the Port will be guided by the current and future activities in the harbors and safety problems relating to such anchorage. The Captain of the Port will advise the Port of Long Beach Authorities and the Port of Los Angeles Authorities of anchorage assignments under the following conditions:

(i) Cargoes of Particular Hazard as defined in Sec. 126.10 of this chapter, any amount.

(ii) Explosives, Class "B" (as defined in 49 CFR 173.88), in excess of 1 net ton at any one time.

(iii) Explosives, Class "C" (as defined in 49 CFR 173.100), in excess of 10 net tons at any one time.

(iv) Military Explosives (as defined in 46 CFR 146.29), any amount.

(13) No vessel being dismantled, or undergoing major alterations may anchor in an anchorage without permission of the Captain of the Port.

(14) The Captain of the Port may, upon request, authorize a deviation from any rule in this section if that officer determines the proposed operations can be done safely.

(15) Nothing in this section may be construed as relieving any vessel from the penalties of law for obstructing navigation or for not complying with the navigation laws or any other laws or regulations.

(Sec. 7, 36 Stat. 1053, as amended (33 U.S.C. 471); sec. 6(g)(1)(A), 80 Stat. 937, (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1))

[CGD 77-227, 45 FR 30432, May 8, 1980]

### § 110.215 Anaheim Bay Harbor, Calif., U.S. Naval Weapons Station, Seal Beach, Calif.; naval explosives anchorage.

(a) *The anchorage ground.* The waters of Anaheim Bay Harbor lying between the east side of the entrance channel and the east jetty, basically outlined as follows:

| Latitude | Longitude |
|---|---|
| 33 44 03 | 118 05 35 |
| 33 43 53 | 118 05 15 |
| 33 43 49 | 118 05 18 |
| 33 43 36 | 118 05 56 |
| 33 43 37 | 118 05 58 |
| 33 44 03 | 118 05 35 |

(b) *The regulations.* (1) This area is reserved for use of naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Services Explosives Board.

(2) No pleasure or commercial craft shall navigate or anchor within this area at any time without first obtaining permission from the Commanding Officer, Naval Weapons Station, Seal Beach, California. This Officer will extend full cooperation relating to the public use of the area and will fully consider every reasonable request for the passage of small craft in light of requirements for national security and safety of persons and property.

(3) Nothing in this section shall be construed as relieving the owner or operator of any vessel from the regulations, contained in § 204.195 of this chapter, covering navigation in Anaheim Bay Harbor.

(4) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Weapons Station, Seal Beach, California, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego, California.

### § 110.216 Pacific Ocean at Santa Catalina Island, Calif.

(a) *The anchorage grounds*—(1) *Descanso Bay.* Shoreward of a line connecting the promontories known as White Rock and Casino Point.

(2) *Isthmus Cove.* All waters shoreward of a line connecting the promontories known as Lion Head and Blue Cavern Point, excluding the following-described non-anchor area: An area 300 feet wide (170 feet west and 130 feet east of the centerline of the Catalina Island Steamship Line pier), extending 1,600 feet from the root of the pier, and an area 150 feet seaward of the shore line extending approximately 1,500 feet east and 1,500 feet northwest of the centerline of said pier.

(b) *The regulations.* (1) The Descanso Bay anchorage is reserved for yachts and other small craft. Floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(2) The Isthmus Cove anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(3) The non-anchorage area described in paragraph (a)(2) of this section shall be used only by commercial vessels. Commercial vessels of 15 feet draft or over may anchor in this area seaward of the Catalina Island Steamship Line pier during hours between sunrise and sunset. The use of this area for anchorage is forbidden to all other craft at all times. Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(4) The instructions of the Captain of the Port requiring vessels to anchor bow and stern, or with two bow anchors, or requiring shifting the anchorage of any vessel within the anchorage grounds for the common safety or convenience, or for otherwise enforcing the regulations in this section, shall be promptly complied with by owners, masters, and persons in charge of vessels.

(5) Nothing in this section shall be construed as relieving the owner or person in charge of any vessels or plant from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

### § 110.218 Pacific Ocean at San Clemente Island, Calif.; in vicinity of Wilson Cove.

(a) *The anchorage grounds.* Shoreward of a line beginning at a point on the beach bearing 153° true, 1,400 yards, from the flashing green light on the southeast headland at Wilson Cove; thence 62° true, 0.67 nautical mile; thence 332° true, 1.63 nautical miles; thence 241°31′ true to the shore line.

(b) *The regulations.* (1) This area is reserved exclusively for anchorage of United States Government vessels or vessels temporarily operating under Government direction, and no vessel, except in an emergency, shall anchor in the area without first obtaining permission from the Commandant, Eleventh Naval District, or the Senior Naval Officer present who shall in turn notify the Commandant promptly.

(2) No vessel shall anchor in such a manner as to unreasonably obstruct the approach to the wharf.

### § 110.220 Pacific Ocean at San Nicolas Island, Calif.; restricted anchorage areas.

(a) *The restricted areas*—(1) *East area.* All waters within a circle having a radius of one nautical mile centered at latitude 33°13′45″, longitude 119°25′50″ (the former position of San

Nicolas Island East End Light), which point bears approximately 101°, 420 yards, from San Nicolas Island East End Light.

(2) *West area.* Shoreward of a line bearing 276° true from San Nicolas Island south side light a distance of six nautical miles; thence to a point bearing 270° true, two nautical miles, from the westernmost point of the island; thence 60° to a point due north of the northernmost point of the island; thence 180° true to the shore.

(b) *The regulations.* Except in an emergency, no vessel shall anchor in these restricted areas without authority of the Commandant, Eleventh Naval District. Cargo vessels destined for San Nicolas Island may anchor in the east area for unloading or loading.

### § 110.222 Pacific Ocean at Santa Barbara Island, Calif.

(a) *The anchorage grounds.* Shoreward of a line beginning at the Santa Barbara Island Light on the northeast end of the island and bearing 23° true a distance of 1.515 nautical miles seaward from the beach; thence 140°30′ true, 2.54 nautical miles; thence 212°30′ true, 2.30 nautical miles; thence 296°30′ true, 0.96 nautical mile; and thence 325° true to the beach.

(b) *The regulations.* The anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors in place will be permitted in this area.

### § 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(a) *San Francisco Bay Anchorage Grounds*—(1) *Anchorage No. 3, General Anchorage.* That portion of Belvedere Cove bounded by the shore and line beginning at latitude 37°52′20″, longitude 122°27′02″; thence southwest to latitude 37°51′43″ and longitude 122°27′25″.

(2) *Anchorage No. 4, General Anchorage.* (i) Bounded by the westerly shore of San Francisco North Bay and the following lines: Beginning on the shore southwest of Point San Quentin at latitude 37°56′28″, longitude 122°28′54″; thence east-southeasterly to latitude 37°55′55″, longitude 122°26′49″; thence southwesterly to latitude 37°54′13″, longitude 122°27′24″, thence southeast to the shore of Tiburon Peninsula at Point Chauncey at latitude 37°53′40.5″, longitude 122°26′55″, including Explosives Anchorage 13 and the forbidden anchorage surrounding it. For special regulations concerning the utilization of Explosives Anchorage 13 as a temporary general anchorage refer to subdivisions 110.224(a)(10) (iv) and (v).

(ii) Special regulation: No vessel anchored in this anchorage may project into the San Francisco Bay North Channel.

(3) *Anchorage No. 5, General Anchorage.* (i) In San Francisco Bay beginning on the northwest shore of Red Rock at latitude 37°55′48″ N., longitude 122°25′52″ W.; thence west to San Francisco Bay North Channel Lighted Buoy 12 at latitude 37°55′50″ N., longitude 122°26′32.4″ W.; thence south to San Francisco Bay North Channel Lighted Buoy 10 at latitude 37°54′49″ N., longitude 122°26′39″ W.; thence southeast to latitude 37°53′23″ N., longitude 122°25′09″ W.; thence north to Southampton Shoal Light 5 at latitude 37°55′19″ N., longitude 122°25′33″ W.; thence to the southeast shore of Red Rock at latitude 37°55′42″ N., longitude 122°25′45″ W.; thence along the shoreline to the point of beginning.

(ii) *Special regulation:* No vessel anchored in this anchorage may project into the San Francisco Bay North Channel or the Southampton Shoal Channel.

(4) *Anchorage No. 6, General Anchorage.* Bounded by the easterly shore of San Francisco Bay and the following lines: Beginning at the shore of the southernmost extremity of Point Isabel at latitude 37°53′46″, longitude 122°19′19″; thence westerly along the northerly shore of Brooks Island to the jetty extending westerly therefrom; thence westerly along the jetty to its bayward end at latitude 37°54′13″, longitude 122°23′27″; thence south-southeast to latitude 37°49′53″, longitude 122°21′39″; thence southeast to latitude 37°49′32.5″, longitude 122°21′20.5″; thence east to latitude 37°49′34″, longitude 122°20′13″; thence east-southeast to latitude 37°49′30″,

longitude 122°19′45.5″; thence east-northeast to the shore at Emeryville at latitude 37°50′04″, longitude 122°17′41″; excluding from this area, however, the Channel to Berkely Marina delineated by lines joining the following points:

| *Latitude* | *Longitude* |
|---|---|
| 37°52′08″ | 122°19′07″ |
| 37°52′03″ | 122°19′17.5″ |
| 37°52′00″ | 122°19′15.5″ |
| 37°51′01″ | 122°22′07″ |
| 37°50′43″ | 122°22′00″ |
| 37°50′53″ | 122°21′32″ |
| 37°51′47″ | 122°18′59″ |

(5) *Anchorage No. 7. Temporary General Anchorage.* (i) In San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly shore of Treasure Island at latitude 37°49′36″ longitude 122°22′40″; thence northwesterly to latitude 37°50′00″, longitude 122°22′57″; thence westerly to San Francisco Bay North Channel Lighted Buoy 2 at latitude 37°50′00″, longitude 122°23′44″; thence southerly to latitude 37°49′22.5″, longitude 122°23′44″; thence southeasterly to latitude 37°48′40.5″, longitude 122°22′38″; thence to the shore of Treasure Island at latitude 37°48′51.1″, longitude 122°22′13″.

(ii) Special regulations: (*a*) No vessel anchored in this anchorage may project into the San Francisco Bay North or South Channel.

(*b*) This anchorage is primarily for use by vessels requiring a temporary anchorage waiting to proceed to pier facilities or other anchorage grounds. This anchorage shall not be utilized by vessels for the purpose of off loading any dangerous cargoes or combustible liquids without a written permit from the Captain of the Port.

(*c*) Vessels utilizing this anchorage shall not remain for more than 12 hours without a written permit from the Captain of the Port.

(*d*) The master of every vessel using this anchorage shall maintain his vessel in such condition that the vessel can move within 1 hour upon notification by the Captain of the Port.

(*e*) Light draft vessels shall anchor away from the deeper portions of this anchorage in accordance with paragraph (g)(7) of this section.

(6) *Anchorage No. 8. General Anchorage.* (i) In San Francisco Bay bounded by the westerly shore of the Naval Air Station, Alameda, and the following lines: Beginning at Oakland Inner Harbor Light 2 at latitude 37°47′52″, longitude 122°19′54″; thence west northwesterly to latitude 37°48′03″, longitude 122°20′57.5″; thence south southwesterly to latitude 37°47′56″, longitude 122°21′22.5″; thence southwesterly to latitude 37°47′26″, longitude 122°21′41″; thence south southeasterly to latitude 37°47′00″, longitude 122°21′30″; then southeasterly to the Alameda Naval Air Station Channel Lighted Bell Buoy 1 at latitude 37°46′38″, longitude 122°20′24″; thence easterly to latitude 37°46′37″, longitude 122°19′56″; thence northerly to the shore of the Naval Air Station, Alameda, at latitude 37°46′57″, longitude 122°19′52.5″.

(ii)(*a*) No vessel anchored in this anchorage may project into the San Francisco Bay South Channel.

(7) *Anchorage No. 9. General Anchorage.* (i) In San Francisco Bay bounded on the north by the shore, the breakwater and turning basin at the Alameda Naval Air Station and a line beginning at the Alameda Naval Air Station Channel Lighted Buoy 6 at latitude 37°46′23″, longitude 122°19′02″; thence west to the Alameda Naval Air Station Channel Entrance Lighted Buoy 2 at latitude 37°46′27″, longitude 122°20′24.5″; thence west southwesterly to latitude 37°46′08″, longitude 122°21′45″; thence south southeasterly to San Bruno Shoal Channel Light 1 at latitude 37°41′44″, longitude 122°20′17.5″; thence south southeast to San Bruno Shoal Channel Light 5 at latitude 37°38′37″, longitude 122°18′43″; thence southeast to latitude 37°36′05″, longitude 122°14′13.5″; thence east northeast to the shore at latitude 37°37′38.5″, longitude 122°09′02″; and bounded on the east by the shore; including all of San Leandro Bay excluding the pipeline areas therein. When Explosives Anchorage No. 12 is activated by the Captain of the Port, this anchorage and the forbidden anchorage zone surrounding it are excluded from Anchorage No. 9, General Anchorage.

(ii) Special regulations: (*a*) Light draft vessels shall anchor away from the deeper portions of this anchorage in accordance with paragraph (g)(7) of this section.

(*b*) No vessel anchored in this anchorage may project into the San Francisco Bay South Channel or into San Bruno Shoal Channel.

(8) *Anchorage No. 10, Naval Anchorage.* (i) In San Francisco Bay bounded by the easterly shore of Sausalito and the following lines: Beginning on the shore of Sausalito at latitude 37°51′20″, longitude 122°28′38″; thence southeast to latitude 37°50′57.5″, longitude 122°27′57″; thence southwest to the shore of Sausalito at latitude 37°50′36″, longitude 122°28′34″.

(ii) Special regulation: This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice should the anchorage be required for public vessels. With the permission of the Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 300 yards from the shore.

(9) *Anchorage No. 12, Explosives Anchorage.* (i) In San Francisco Bay east of the city of San Francisco a circular area having a radius of 500 yards centered at latitude 37°44′32.5″, longitude 122°20′27.5″.

(ii) Special regulations: (*a*) No vessel may use this anchorage except the vessel that is loaded with, loading, or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(*b*) This anchorage and the surrounding forbidden anchorage zone are temporarily activated as needed, by the Captain of the Port. When this anchorage is not activated it is part of Anchorage No. 9, General Anchorage. Notification of activation and deactivation will be disseminated by the U.S. Coast Guard in "Local Notice to Mariners," and by direct notice to the various pilot and shipping organizations.

(*c*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 3,000 tons.

(*d*) The 667-yard-wide area surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(10) *Anchorage No. 13, Explosives Anchorage (Temporary General).* (i) In San Francisco Bay east of the Tiburon Peninsula a circular area having a radius of 333 yards centered at latitude 37°55′26″, longitude 122°27′27″.

(ii) Special regulations: (*a*) No vessel may use this anchorage except the vessel that is loaded with, loading, or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(*b*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 50 tons; except that, with the permission of the Captain of the Port, vessels in transit, loaded with explosives in excess of this limitation, may anchor temporarily in this anchorage provided the hatches to the holds containing explosives are not opened.

(*c*) The 667-yard-wide zone partially surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is being utilized by an explosives laden vessel.

(*d*) This anchorage and the surrounding forbidden anchorage zone are temporarily activated as needed by the Captain of the Port. When this anchorage is not in use as an explosives anchorage it may be utilized by any vessel as a temporary general anchoring ground, provided oral permission of the Captain of the Port is obtained prior to usage.

(*e*) The master of every vessel using this anchorage shall maintain his vessel in such condition that the vessel can move within 1 hour upon notification by the Captain of the Port.

(*f*) No vessel anchored in this anchorage may project into the San Francisco Bay North Channel.

(11) *Anchorage No. 14, Explosives Anchorage.* (i) In San Francisco Bay east of Hunters Point an area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles with radii of 500 yards and center, respectively at latitude 37°42′52″ N.,

longitude 122°19′32.5″ W., and latitude 37°42′14″ N., longitude 122°18′47″ W.; and the side boundaries which are parallel tangents joining the semicircles.

(ii) Special regulations: (*a*) No vessel may use this anchorage except vessels loaded with, loading, or unloading explosives and lighters and barges lying alongside those vessels for transfer of cargo.

(*b*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 3,000 tons. Vessels will be assigned berths in this anchorage by the Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

(*c*) The 667-yard-wide area surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(*d*) This anchorage and the surrounding forbidden anchorage zone may be temporarily discontinued by the Captain of the Port when the area is required for general anchorage purposes.

(b) *San Pablo Bay Anchorage Grounds*—(1) *Anchorage No. 18, General Anchorage.* In San Pablo Bay bounded by the westerly shore of San Pablo Bay and the following lines: Beginning at the shore at Point San Pedro at latitude 37°59′16″, longitude 122°26′47″; thence east to latitude 37°59′16″, longitude 122°26′26″; thence northerly to latitude 38°03′46″, longitude 122°25′52.5″; thence northwesterly to the shore south of the entrance to Novato Creek at latitude 38°05′13.5″, longitude 122°29′04″; excluding from this area, however, the channel to Hamilton Field and the extension of this channel easterly to the boundary of the anchorage, and the pipeline area therein.

(2) *Anchorage No. 19, General Anchorage.* In San Pablo Bay bounded by the northeasterly shore of San Pablo Bay and the following lines: Beginning at the shore of Tubbs Island at latitude 38°07′39″, longitude 122°25′18″; thence southerly to latitude 38°00′36″, longitude 122°25′20″; thence northeasterly to latitude 38°03′13″, longitude 122°19′46″; thence east northeasterly to latitude 38°03′37″, longitude 122°17′13″; thence northerly to the long dike extending southwesterly from Mare Island at latitude 38°03′52.5″, longitude 122°17′10″; thence along the long dike to the shore at Mare Island. Vessels anchored in this anchorage shall insure that they do not project into the Pinole Shoal Channel.

NOTE: See § 204.215 of this title establishing a target area in San Pablo Bay adjacent to the westerly shore of Mare Island for use of the Mare Island Navy Yard.

(3) *Anchorage No. 20, General Anchorage.* In San Pablo Bay bounded by the southeasterly shore of San Pablo Bay and the following lines: Beginning at the northeast corner of Parr Terminal No. 4 at Point San Pablo at latitude 37°57′59″, longitude 122°25′35″; thence northeast to latitude 38°01′27.5″, longitude 122°21′33″; thence east-northeast to the Union Oil Co. pier at Oleum at latitude 38°03′18″, longitude 122°15′37″; and thence along this pier to the shore.

(4) *Anchorage No. 21, Naval Anchorage.* In San Pablo Bay south of Mare Island a rectangular area beginning at latitude 38°03′56″, longitude 122°15′56″; thence easterly to latitude 38°04′02″, longitude 122°15′20″; thence southerly to latitude 38°03′48″, longitude 122°15′16″; thence westerly to latitude 38°03′42″, longitude 122°15′52″; thence northerly to the point of beginning.

(c) *Carquinez Strait Anchorage Grounds*—(1) *Anchorage No. 24, General Anchorage.* (i) Bounded by the northerly shore of Carquinez Strait and the following lines: Beginning on the shore at Dillon Point at latitude 38°03′44″, longitude 122°11′29″; thence southeast to latitude 38°03′34″, longitude 122°11′10″; thence south-southeast to latitude 38°03′17″, longitude 122°11′04″; thence southeast to the shore of Benicia at latitude 38°02′37.5″, longitude 122°09′55″.

(ii) Special regulation: Each vessel anchoring in this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

(2) *Anchorage No. 25, General Anchorage.* (i) Bounded by the south shore of Carquinez Strait and the following lines: Beginning on the shore at Point Carquinez at latitude

38°02′09″, longitude 122°10′22″; thence east southeast to latitude 38°01′47″, longitude 122°08′57″; thence southeast to the shore of Martinez at latitude 38°01′20″, longitude 122°08′42″.

(ii) Special regulation: Each vessel anchoring in this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

(d) *Suisun Bay Anchorage Grounds*—(1) *Anchorage No. 26, General Anchorage.* On the west side of Suisun Bay, adjacent to and northeast of the city of Benicia within the following boundaries: Beginning on the shore northeast of Army Point at latitude 38°02′54″, longitude 122°07′37″; thence south southeast alone the Southern Pacific bridge to latitude 38°02′38″, longitude 122°07′24″; thence east to latitude 38°02′42″, longitude 122°07′07.5″; thence northeast to Suisun Bay Anchorage 26 Lighted Buoy B at latitude 38°05′42″, longitude 122°04′06″; thence northwest to the shore at latitude 38°05′58″, longitude 122°04′28″; thence along the shore to the point of beginning.

NOTE: A portion of Anchorage 26 is occupied by the Suisun Bay Reserve Fleet of the Maritime Administration and § 162.270 of this title establishes a restricted area in the vicinity of the Reserve Fleet.

(2) *Anchorage No. 27, General Anchorage.* In the northeast portion of Suisun Bay bounded by the northern shore and the following lines: Beginning on the shore of Grizzly Island at latitude 36°08′13″, longitude 122°02′42.5″; thence south to tripod at Preston Point on Roe Island at latitude 38°04′16″, longitude 122°02′42″; thence along the south shore of Roe Island to latitude 38°04′05″, longitude 122°01′35″; thence east southeast to latitude 38°03′42.5″, longitude 121°58′54″; thence east to the shore of Chipps Island at latitude 38°03′42.5″, longitude 121°55′05″.

(e) *San Joaquin River Anchorage Grounds*—(1) *Anchorage No. 28, General Anchorage.* The area bounded on the east by the shore of Lower Sherman Island and the following lines: Beginning at Point Sacramento on Lower Sherman Island at latitude 38°03′45″, longitude 121°50′17.5″; thence southwest to latitude 38°03′37.5″, longitude 121°50′31″; thence south-southeast to latitude 38°02′11″, longitude 121°49′58″; thence to the shore of Lower Sherman Island at latitude 38°02′23″, longitude 121°49′49″.

(2) *Anchorage No. 30, Explosives Anchorage.* (i) The portion of the Old San Joaquin River Channel bounded on the west by the shore of Mandeville Point and the following lines: Beginning on the shore of Mandeville Point at latitude 38°04′01″, longitude 121°32′05″; thence northeast to latitude 38°04′07.5″, longitude 121°31′58″; thence southeast to latitude 38°03′47″, longitude 121°31′42.5″; thence west to the shore of Mandeville Point at latitude 38°03′47.5″, longitude 121°31′56″.

(ii) Special regulations: (*a*) This anchorage is for the use of vessels, lighters, and barges loaded with, loading, or unloading explosives or explosive materials.

(*b*) No other vessel may enter or remain in this anchorage when the anchorage is occupied by vessels loaded with explosives. At all other times the anchorage is open to navigation.

(*c*) Notice of loading and unloading operations will be given by notice published by the U.S. Coast Guard in "Local Notice to Mariners", and by notice given by the Port of Stockton to local radio stations and newspapers, and by telephonic means to any organization that may request that such advice be given. In all cases the notice will state how long the operation will be in progress and on what days.

(f) *Sacramento River, Decker Island Restricted Anchorage for Vessels of the U.S. Government*—(1) *The anchorage ground.* An elongated area in the Sacramento River bounded on the west by the shore of Decker Island and the following lines: Beginning on the shore at Decker Island North End Light at latitude 38°06′16″, longitude 121°42′32.5″; thence east to latitude 38°06′15″, longitude 121°42′27″; thence south to latitude 38°05′22″, longitude 121°42′30″; thence southwest to latitude 38°05′08″, longitude 121°42′40″; thence west southwest to latitude 38°05′02″, longitude 121°42′50″; thence northwest to the shore of Decker Island at latitude 38°05′04″, longitude 121°42′52.5″.

(2) *Special regulation.* No vessel or other craft except those owned by or operating under contract with the United States may navigate or anchor within 50 feet of any moored Government vessel in the area. Commercial and pleasure craft shall not moor to buoys or chains of Government vessels, nor may they, while moored or underway, unreasonably obstruct the passage of Government or other vessels through the area.

(g) *General regulations.* The following regulations apply to each anchorage described in this section:

(1) No vessel may anchor in the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River Deep Water Channel, and the Stockton Turning Basin, Calif., outside of the anchorage areas established in this section except when unforeseen circumstances create conditions of imminent peril or with the written permission of the Captain of the Port. Each vessel anchoring in imminent peril or heavy fog shall immediately inform the Captain of the Port of her position and reason for anchoring.

(2) No vessel may anchor within a tunnel, cable, or pipeline area shown on a Government chart.

(3) No vessel may moor, anchor, or tie up to any pier, wharf, or other vessel in such a manner as to extend into a channel.

(4) No vessel in such a condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels may occupy an anchorage, except when unforeseen circumstances create conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(5) The Captain of the Port may require any vessel in a designated anchorage area to moor with two or more anchors.

(6) Each vessel that will not have sufficient personnel on board to weigh anchor at any time shall anchor with two anchors with mooring swivel, unless otherwise authorized by the Captain of the Port.

(7) Deep-draft vessels will take precedence over vessels of lighter draft in the deeper portions of all anchorages. Light-draft barges and vessels shall anchor away from the deeper portions of the anchorage so as not to interfere with the anchoring of deep-draft vessels. Should circumstances warrant, the Captain of the Port will require lighter draft vessels to move to provide safe anchorage, particularly in Anchorages 7 and 9, for deep-draft vessels.

(8) Barges towed in tandem to any anchorage area shall nest together when anchoring.

(9) Each vessel that is notified by the Captain of the Port or his authorized representative to shift her position shall promptly shift her position.

(10) No person may use these anchorages for any purpose other than the purpose stated in the special anchorage regulations.

(11) Nothing in this section may be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing or interfering with range lights or for not complying with the laws relating to lights, day signals, and fog signals and other navigation laws and regulations.

(12) *Explosives anchorages.* (i) Unless otherwise authorized by the Captain of the Port, no vessel other than a vessel carrying explosives may anchor in an explosives anchorage.

(ii) Each vessel carrying explosives shall be entirely within one of these areas when anchored, except as provided by paragraph (g)(12)(x) of this section.

(iii) No vessel may transport explosives to be loaded on, or that have been unloaded from, another vessel in an explosives anchorage area unless she carries written permission from the Captain of the Port.

(iv) No vessel carrying explosives or on which explosives are to be loaded may proceed to an explosives anchorage or occupy a berth in an explosives anchorage without written permission from the Captain of the Port, which may be revoked at any time.

(v) The Captain of the Port may issue permission to vessels carrying flammable solids, oxidizing materials, corrosive liquids, flammable liquids, compressed gases, and poisonous substances to occupy a berth in an explosives anchorage. Such a permit must be obtained before entering the anchorage and may be revoked at any time.

(vi) The Captain of the Port may require any person having business on board a vessel which is laden or being on-loaded or off-loaded with explosives to have a document that is acceptable to the Coast Guard for identification purposes and to show that document to the Captain of the Port.

(vii) The Captain of the Port may require a non-self-propelled vessel, or a self-propelled vessel that is unable to maneuver under its own power, that occupies an explosives anchorage to be attended by a tug.

(viii) Each vessel loading, unloading, or laden with explosives, while within an explosives anchorage, shall display by day at her masthead, or at least 10 feet above the upper deck if the vessel has no masthead, a red flag 16 square feet or more.

(ix) When a vessel is conducting loading operations from barges at any explosives anchorage and is displaying a red flag by day, passing vessels shall reduce speed so as to insure that their wake does not interfere with cargo transfer operations.

(x) The District Engineer, Corps of Engineers, may issue written permission for anchoring a single barge carrying explosives in quantities considered by him as safe and necessary in the vicinity of work being done directly under his supervision or under a Department of the Army permit. When the District Engineer issues such permission, he shall prescribe the conditions under which the explosives must be stored and handled and shall furnish a copy of the permit and a copy of the rules and regulations for storing and handling to the Captain of the Port.

(13) No vessel other than a vessel under Federal supervision may go alongside or in any manner moor to any Government-owned vessel, mooring buoy, or pontoon boom, their anchor cables, or any of their appendages. No vessel other than a vessel under Federal supervision may obstruct or interfere in any manner with the mooring, unmooring, or servicing of vessels owned by the United States.

(14) Each vessel anchoring in the San Joaquin River Deep Water Channel or the Stockton Turning Basin because of imminent peril or heavy fog shall be positioned as near the edge of the channel or turning basin as possible so as not to interfere with navigation, or obstruct the approach to any pier, wharf, slip, or boat harbor and shall move as soon as the imminent peril or heavy fog ceases or when notified to move by the Captain of the Port.

(15) No vessel may permanently moor in areas adjacent to the San Joaquin River Deep Water Channel except with the written permission of the Captain of the Port.

(Sec. 7, 30 Stat. 1053, as amended, (33 U.S.C. 471); 6(g)(1), 80 Stat. 937, 940; (49 U.S.C. 1655 (g)(1)); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1), and (2))

[CGD 72-78R, 37 FR 25501, Dec. 1, 1972; 38 FR 23, Jan. 3, 1973; as amended by CGD 76-102, 42 FR 9021, Feb. 14, 1977; CGD 77-41, 43 FR 60458, Dec. 28, 1978; CGD 80-025, 45 FR 20801, Mar. 31, 1980; CGD 79-176, 45 FR 34269, May 22, 1980]

### § 110.228 Columbia River, Oreg. and Wash.

(a) *The anchorage grounds*—(1) *Lower Tongue Point Anchorage.* A rectangular area bounded as follows: Beginning at latitude 46°12′07″ N., longitude 123°47′24″ W.; thence northwesterly to latitude 46°12′19″ N., longitude 123°47′33″ W.; thence northeasterly to latitude 46°12′36″ N., longitude 123°46′42″ W.; thence southeasterly to latitude 46°12′24″ N., longitude 123°46′32″ W.; thence to the point of beginning.

(2) *Upper Tongue Point Anchorage.* A pentagonal area bounded as follows: Beginning at latitude 46°12′24″ N., longitude 123°46′32″ W.; thence northwesterly to latitude 46°12′36″ N., longitude 123°46′42″ W., thence northeasterly to latitude 46°12′59″ N., longitude 123°46′00″ W.; thence continuing northeasterly to latitude 46°13′05″ N., longitude 123°45′38″ W.; thence southeasterly to latitude 46°12′57″ N., longitude 123°45′30″ W.; thence to the point of beginning.

(b) *The regulations.* (1) No vessel shall anchor in anchorages described in paragraph (a) (1) and (2) of this section without prior permission from the Captain of the Port, or his authorized representative. No vessel shall occupy either anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy an anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port. A berth in an anchorage, if available, shall be assigned to any vessel by the Captain of the Port upon application and he may grant revocable permits for the continuous use of the same berth.

(Sec. 7, 30 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 49 CFR 1.46(c)(1), 33 CFR 1.05, 1.05-1(c)(1))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 76-38, 41 FR 27965, July 8, 1976]

### § 110.229 Straits of Juan de Fuca, Wash.

(a) *Anchorage grounds*—(1) *Nonanchorage area (Port Angeles Harbor).* Beginning at a point on the shore at latitude 48°07′04.5″ N., longitude 123°24′15.6″ W.; thence to latitude 48°07′39.1″ N., longitude 123°24′00″ W.; thence to latitude 48°07′36.7″ N., longitude 123°23′46″ W.; thence to a point on the shoreline at latitude 48°06′57.4″ N., longitude 123°24′04″ W.

(b) *The regulations.* (1) No vessel may anchor in this nonanchorage area at any time.

(2) Dragging, seining, fishing, or other activities which may foul underwater installations within this nonanchorage area are prohibited.

(3) Vessels may transit his nonanchorage area, but must proceed by the most direct route and without unnecessary delay.

(4) The city of Port Angeles will mark this area with signs on the shoreline visible (during normal daylight) 1 mile to seaward reading, "Do not Anchor in This Area."

[CGD 72-233, 39 FR 41849, Dec. 3, 1974]

### § 110.230 Puget Sound Area, Wash.

(a) *The anchorage grounds*—(1) *Freshwater Bay emergency explosives anchorage, Strait of Juan de Fuca.* All of Freshwater Bay and adjacent waters shoreward of a line beginning at Observatory Point, latitude 48°09′03″, longitude 123°38′12″, thence due north approximately 1,150 yards to latitude 48°09′36″, longitude 123°38′12″; thence 90°, approximately 6,450 yards, to latitude 48°09′36″, longitude 123°33′27″; thence 180° to the shoreline.

(i) This area does not constitute an explosives anchorage for loading or discharging explosives, but is established exclusively for use by explosives laden vessels enroute to the ammunition dumping area which encounter adverse weather and sea conditions and are forced to await more favorable conditions before proceeding to sea.

(1-a) *Bellingham Bay General Anchorage.* The waters of Bellingham Bay within a circular area with a radius of 2,000 yards, having its center at latitude 48°44′15″, longitude 122°32′25″.

(1-b) *Bellingham Bay Explosives Anchorage.* The waters of Bellingham Bay within a circular area with a radius of 1,000 yards, having its center at latitude 48°42′48″, longitude 122°33′37″.

(2) *Port Townsend Explosives Anchorages*—(i) *Fair weather anchorage area.* A circular area having a radius of 300 yards, whose center is at latitude 48°06′26″, longitude 122°43′46″.

(ii) *Foul weather Anchorage Area.* A circular area having a radius of 300 yards, whose center is at latitude 48°04′05″, longitude 122°44′52″.

(3) *Holmes Harbor General Anchorage.* All of Holmes Harbor lying southerly of a line ranging 310° through Hackney Island, between the shores of Whidbey Island.

(4) *Port Gardner General Anchorage, Possession Sound.* Beginning at a point bearing 211°, 560 yards, from Everett Jetty Light; thence 180°, 675 yards; thence 216°, 250 yards; thence 254°, 800 yards; thence 302°, 1,700 yards; thence 49°, 1,280 yards; thence approximately 115°, 1,525 yards, to the point of beginning.

(5) [Reserved]

(6) *Thorndike Bay Emergency Explosives Anchorage, Hood Canal.* Beginning at a point bearing 267°, 3,500 yards, from Hood Canal 5 Light; thence 180°, 1,000 yards, to a point approximately 251°, 3,725 yards, from Hood Canal 5 Light; thence 270°, 1,350 yards, to a point approximately 256°, 5,000 yards, from Hood Canal 5 Light; thence due north 1,000 yards, to a point approximately 268°, 4,900 yards, from Hood Canal 5 Light, thence approximately 90°, 1,350 yards, to the point of beginning.

(7) *Smith Cove General Anchorage (west), Elliott Bay.* Shoreward of a line beginning at Fourmile Rock Light; thence to a point bearing 207°, 1,100 yards, from Fourmile Rock Light; thence southeasterly to a point bearing 6°30′, 2,075 yards, from Duwamish Head Light; thence due north to the shore of Smith Cove.

(8) *Smith Cove General Anchorage (east), Elliott Bay.* Beginning at the intersection of the Federal pierhead line and a line drawn along the north side of Denny Way; thence westerly on said line 2,000 feet; thence northwesterly along a line paralleling the Federal pierhead line to its intersection with a straight line drawn along the east side of Pier 88; thence due north to the intersection with the Federal pierhead line; thence along said pierhead line to the point of beginning.

(9) *Elliott Bay General Anchorage (east).* Shoreward of a line beginning at the northeast corner of Harbor Island; thence northerly and in a straight line to its intersection with a line drawn along the south side of King Street; thence west on said line to its intersection with the east line of West Waterway; thence along said line to the northwest corner of Harbor Island.

(10) *Elliott Bay General Anchorage (west).* Shoreward of a line beginning at a point of intersection of the Federal pierhead line with a straight line drawn along the west line of West Waterway; thence north to a point intersecting a straight line drawn along the south side of Dearborn Street; thence in a westerly direction to the foot of West Fairmount Avenue.

(11) *Orchard Point General Anchorage, Puget Sound.* Beginning at Orchard Point Light; thence 106°, two miles; thence 180° to the northern shore of Blake Island; thence west and south along the shoreline to the southern end of Blake Island at approximate longitude 122°29′16″; thence 250° to the dock at Harper; thence westerly and northerly along the shoreline to the point of beginning.

(12) [Reserved]

(13) *Commencement Bay General Anchorage.* A quadrilateral area bounded as follows: Beginning at latitude 47°17′37″ N., longitude 122°26′00″ W.; thence due south to latitude 47°17′19″ N., longitude 122°26′00″ W.; thence due east to a point bearing 286° T from Hylebos Waterway Light at a distance of 450 yards; thence due north to latitude 47°17′33″ n., longitude 122°25′00″ W.; thence west northwest to the point of beginning.

(14) *Cherry Point General Anchorage.* The waters within a circular area with a radius of 0.8 nautical mile, having its center at latitude 48°48′30″ N., longitude 122°46′00″ W.

(b) *The regulations.* (1) No vessel shall anchor in any general anchorage described in paragraph (a) of this section without prior permission from the Captain of the Port, or his authorized representative. No vessel shall occupy any general anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy a general anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port. A berth in a general anchorage, if available, may be assigned to any vessel by the Captain of the Port upon application and he may grant revocable permits for the continuous use of the same berth.

(2) Explosive anchorages are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored.

(3) Whenever any vessel not fitted with mechanical power, anchors in an explosive anchorage, the Captain of the Port may require the attendance

of a tug upon such vessel, when, in his judgment, such action is necessary.

(4) Vessels carrying explosives shall comply with the general regulations in paragraph (b)(1) of this section, when applicable.

(5) Every vessel at anchor in an explosives anchorage shall display by day a red flag at least 16 square feet in area at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the flag. These signals shall be in addition to day signals and lights required to be shown by all vessels when at anchor.

(6) Every vessel constructed of wood shall, unless there are steel bulwarks or metallic cases or cargo on board, be fitted with radar reflector screens of metal of sufficient size to permit target indication on the radar screen of commercial type radars.

(7) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are anchored in the area for the purpose of loading or unloading explosives display a red flag by day and a red light by night, unless special permission is granted by the Captain of the Port.

(8) No explosives handling in any explosive anchorage will be undertaken by any vessel unless personnel from the Captain of the Port are on board to supervise the handling of explosives.

(9) No vessel shall remain at anchor in any explosive anchorage unless there is on board such vessel a competent watchman or a tug in attendance.

(Sec. 6(g)(1)(A), 80 Stat. 937; 49 U.S.C. 1655 (g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 72-13R, 37 FR 25387, Nov. 30, 1972; CGD 73-187, 39 FR 41849, Dec. 3, 1974; CGD 76-39, 41 FR 39743, Sept. 16, 1976]

### § 110.232 Southeast Alaska.

(a) *The anchorage grounds*—(1) *Hassler Harbor—explosives anchorage.* The waters of Hassler Harbor within a circular area with a radius of 1,500 yards, having its center at latitude 55°12′52″ N., longitude 131°25′52″ W.

(b) *The regulations.* (1) Except in an emergency, only a vessel that is transporting, loading or discharging explosives may anchor, moor, or remain within the Hassler Harbor explosives anchorage.

(2) A master or person in charge of a vessel shall obtain a written permit from the Captain of the Port, Southeast, Alaska, to anchor, moor, or remain within the explosives anchorage. The vessel shall anchor in the position specified by the permit.

(3) The net weight of the explosives laden aboard all vessels anchored, moored, or remaining within the anchorage shall not exceed 800,000 pounds.

(4) The Captain of the Port, Southeast, Alaska, may require a nonself propelled vessel to be attended by a tug while moored, anchored, or remaining within the explosives anchorage.

(5) A wooden vessel must—

(i) Be fitted with a radar reflector screen of metal of sufficient size to permit target indication on the radar screen of commercial type radar; or

(ii) Have steel bulwarks; or

(iii) Have metallic cases or cargo aboard.

(6) Each vessel moored, anchored, or remaining within the explosives anchorage and carrying, loading, or discharging explosives from sunrise to sunset shall display—

(i) A red flag from the mast; or

(ii) A sign posted on each side of the vessel reading "Explosive—Keep Clear—No Smoking or Open Flame" in letters that are 3 inches or larger and have sufficient contrast with the background to be seen from a distance of 200 feet.

(7) Each vessel moored, anchored, or remaining within the anchorage during the night shall display—

(i) Anchor lights; and

(ii) A 32 point red light located from the mast or highest part of the vessel to be visible all around the horizon for a distance of 2 miles.

[CGFR 71-86A, 36 FR 20603, Oct. 27, 1971, as amended by CGD 77-020, 42 FR 30618, June 16, 1977]

**§ 110.233 Prince William Sound, Alaska.**

(a) *The anchorage grounds.* In Prince William Sound, Alaska, beginning at a point at latitude 60°40′00″ N., longitude 146°40′00″ W.; thence south to latitude 60°38′00″ N., longitude 146°40′00″ W.; thence east to latitude 60°38′00″ N., longitude 146°30′00″ W.; thence north to latitude 60°39′00″ N., longitude 146°30′00″ W.; thence northwesterly to the beginning point.

(b) *The regulations.* (1) This anchorage area is for the temporary use of vessels during:

(i) Adverse weather or tidal conditions;

(ii) Vessel equipment failure; or

(iii) Delays at Port Valdez;

(2) No vessel may anchor in this anchorage without notifying the vessel traffic center in Valdez; and

(3) Each vessel anchored shall notify the vessel traffic center in Valdez when it weighs anchor.

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940 (49 U.S.C. 1655(g)(1)); 49 CFR 1.46(c)(1))

[CGD 77-144, 43 FR 21459, May 18, 1978]

**§ 110.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii; anchorage for nitrate laden vessels.**

(a) *The anchorage ground.* The waters of the Pacific Ocean (Mamala Bay) within an area directly offshore of Keehi Lagoon at Honolulu, Hawaii, described as follows: Beginning at a point bearing 251° true, 5,925 yards, from Honolulu Harbor Light (Aloha Tower) thence on a bearing of 202° true, 1,000 yards; thence on a bearing of 290°30′ true, 800 yards; thence on a bearing 22° true, 1,000 yards; thence on a bearing of 110°30′ true, 800 yards to point of beginning. This area provides anchorage space for one (1) vessel.

(b) *The regulations.* (1) Anchorage within this area shall be restricted to not more than one (1) nitrate laden vessel at any one time. Other vessels are cautioned against frequenting the area at any time, and they shall not, without specific authority from the District Commander, enter or remain in the area when a nitrate laden vessel is anchored within or is approaching the area, or anchor outside the area within 1,000 yards of a nitrate laden vessel anchored within the area.

NOTE: The term "District Commander," as used in this section, means the Commander, 14th Coast Guard District, Honolulu, Hawaii, or his duly authorized representative.

(2) Except in an emergency involving danger to life or property, no nitrate laden vessel shall anchor within the area without first obtaining permission from the District Commander. The master of a nitrate laden vessel shall notify the District Commander in advance of his intention to anchor within the area, giving the name of the vessel and the time he expects to anchor and any additional information requested such as the reason for the stopover, anticipated period of the stopover, kind and amount of cargo carried, destination, and proposed location of any necessary torches or welding anticipated, etc. The vessel shall not enter the area until permission to anchor has been received from the District Commander, and it shall then anchor along the longitudinal center line of the area 600 yards from any corner as designated by the District Commander.

(3) The master of the vessel shall request permission from the District Commander for any necessary additional stopover privilege longer than the period originally anticipated. He shall also notify the District Commander when his vessel is ready to leave the area.

(4) In addition to the appropriate day and night signals, the anchored vessel shall display by day a red flag of at least 16 square feet, and by night a red light visible all around the horizon, at the mast head or at least 10 feet above the upper deck if the vessel has no mast.

(5) The master of the vessel shall have the vessel properly patrolled at all times, and anchor bearings carefully checked at frequent intervals. During rough seas, if he is in doubt as to being securely anchored and is without ship power he shall call for tug service from any of the commercial tug-service firms available in Honolulu Harbor. All charges incurred thereby shall be charged to the vessel owner or agent.

(6) Upon being notified to shift its position a vessel shall get under way at once or signal for a tug and change position as directed with reasonable promptness.

(7) In the event of fire on board any anchored vessel, the master or other officer in charge shall immediately sound five blasts of five seconds each of a whistle or siren, which signal may be repeated at intervals to attract attention. This signal shall be used in addition to any other means available for reporting a fire. If for any reason the whistle signal is inoperative the master shall make arrangements whereby the radio transmitter and operator will be available.

(8) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from strict compliance with all applicable navigation laws and regulations established by the Commandant of the Coast Guard with respect to explosives and other dangerous articles and substances on board vessels.

### § 110.236 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii: Offshore pipeline terminal anchorages.

(a) *The anchorage grounds*—(1) *Anchorage A.* The waters within an area described as follows: A circle of 1,000 feet radius centered at latitude 21°17′55″N., longitude 158°07′46″W.

(2) *Nonanchorage area A.* The waters extending 300 feet on either side of a line bearing 059° from anchorage A to the shoreline at latitude 21°18′22″ N., longitude 158°06′57″W.

(3) *Anchorage B.* The waters enclosed by a line beginning at latitude 21°16′31.5″ N., longitude 158°05′09.0″ W.; thence to latitude 21°16′03.9″ N., longitude 158°05′16.9″ W.; thence to latitude 21°16′11.1″ N., longitude 158°05′45.8″ W.; thence to latitude 21°16′38.8″ N., longitude 158°05′37.9″ W.; thence to the point of beginning.

(4) *Nonanchorage area B.* The waters extending 300 feet on either side of a line bearing 334.5° from anchorage B to the shoreline at latitude 21°17′50.5″ N., longitude 158°06′13.1″ W.

(5) *Anchorage C.* The waters enclosed by a line beginning at latitude 21°16′58″ N., longitude 158°04′39″ W.; thence to latitude 21°16′58″ N., longitude 158°04′12″ W.; thence to latitude 21°16′44″ N., longitude 158°04′12″ W.; thence to latitude 21°16′44″ N., longitude 158°04′39″ W.; thence to the point of beginning.

(6) *Nonanchorage area C.* The waters extending 300 feet on either side of a line bearing 306° from anchorage C to the shoreline at latitude 21°17′54.9″ N., longitude 158°06′07.8″ W.

(7) *Anchorage D.* The waters enclosed by a line beginning at latitude 21°18′00″ N., longitude 158°07′20″ W.; thence to latitude 21°17′56″ N., longitude 158°07′16″ W.; thence to latitude 21°17′49″ N., longitude 158°07′24″ W.; thence to latitude 21°17′53″ N., longitude 158°07′28″ W.; thence to the point of beginning.

(b) *The regulations.* (1) No vessels may anchor, moor, or navigate in anchorages A, B, C, or D except—

(i) Vessels using the anchorages and their related pipelines for loading or unloading;

(ii) Commercial tugs, lighters, barges, launches, or other vessels engaged in servicing the anchorage facilities or vessels using them;

(iii) Public vessels of the United States.

(2) When vessels are conducting loading or unloading operations as indicated by the display of a red flag (international code flag B) at the masthead, passing vessels of over 100 gross tons shall not approach within 1,000 yards at a speed in excess of 6 knots.

(3) The owner of any vessel wanting to use an anchorage ground and use of the related pipeline facilities shall notify the Captain of the Port, Honolulu, Hawaii, and the Commanding Officer, U.S. Naval Air Station, Barbers Point, Hawaii, at least 24 hours in advance of desired occupancy of the anchorage ground by the vessel. Such notification must include the maximum height above the waterline of the uppermost portion of the vessel's mast and a description of the masts' lighting including height of the highest anchor light and any aircraft warning lights to be displayed by the vessel at night.

(4) When, in the opinion of the Captain of the Port, or his authorized rep-

resentative, oil transfer operations within these anchorages could jeopardize the safety of vessels or facilities in the area, or cause an undue risk of oil pollution, such oil transfer operations shall be immediately terminated until such time as the cognizant Coast Guard officer determines that the danger has subsided.

(5) Nonanchorage areas A, B, and C are established for the protection of submerged pipelines. Except for vessels servicing pipeline facilities, no anchoring, dragging, seining or other potential pipeline fouling activities are permitted within these areas.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practice.

(7) The regulations of this section are enforced by the Captain of the Port or his duly authorized representative.

[CGD 73-59R, 38 FR 16777, June 26, 1973]

### § 110.237 Pacific Ocean at Waimea, Hawaii, Naval Anchorage.

(a) *The Anchorage grounds.* All the waters within a circle having a radius of 300 yards centered at latitude 21°57′02″ N., longitude 159°41′33″ W.

(b) *The regulation.* Except in an emergency, no vessel except a Naval vessel may anchor or moor in this anchorage without permission of the Captain of the Port, Honolulu, Hawaii.

(49 CFR 1.46(c)(1))

[CGD 74-187, 41 FR 54176, Dec. 13, 1976]

### § 110.238 Apra Harbor, Guam.

(a) *The anchorage grounds*—(1) *General Anchorage.* The waters of Apra Outer Harbor enclosed by a line beginning at Southwest Point at latitude 13°27′29″ N., longitude 144°39′32″ E.; thence to latitude 13°27′18″ N., Longitude 144°39′18″ E.; thence to Spanish Rocks at latitude 13°27′09.5″ N., longitude 144°37′20.6″ E.; thence along the shoreline to the point of beginning.

(2) *Explosives Anchorage 701.* In Naval Anchorage A, a circular area with a radius of 350 yards, centered at latitude 13°26′51″ N., longitude 144°37′48.7″ E.

(3) [Reserved]

(4) *Naval Anchorage A.* The area enclosed by a line beginning at latitude 13°26′44.3″ N., longitude 144°37′37.8″ E.; thence to latitude 13°26′59″ N., longitude 144°37′37.8″ E., thence to latitude 13°27′07.6″ N., longitude 144°38′56″ E.; thence to latitude 13°26′56.6″ N., longitude 144°38′56″ E.; thence to latitude 13°26′56.6″ N., longitude 144°39′03.8″ E.; thence to latitude 13°26′51.3″ N., longitude 144°39′03.8″ E.; thence to latitude 13°26′51.3″ N., longitude 144°39′19.4″ E.; thence to latitude 13°26′39.2″ N., longitude 144°39′19.4″ E.; thence to latitude 13°26′37.4″ N., longitude 144°37′57″ E.; thence to the point of beginning.

(5) *Naval Anchorage B.* The area enclosed by a line beginning at latitude 13°26′40.7″ N., longitude 144°39′48.5″ E.; thence to latitude 13°26′50.6″ N., longitude 144°39′59″ E., thence to latitude 13°26′48″ N., longitude 144°40′01.2″ E.; thence to latitude 13°26′38″ N., longitude 144°39′51.2″ E.; thence to the point of beginning.

(b) *The regulations*—(1) *General Anchorage.* Any vessel may anchor in the General Anchorage except vessels carrying more than 25 tons of high explosives.

(2) *Anchorage 701.* Vessels carrying more than 25 tons of high explosives must use Anchorage 701, unless otherwise directed by the Captain of the Port.

(3) *Naval Anchorages A and B.* (i) Except as provided in paragraph (b)(3)(ii) of this section, nonnaval vessels may not anchor within these anchorages or use the mooring buoys therein without permission of the local Naval authorities obtained through the Captain of the Port. (There is a user charge for the use of these mooring buoys.)

(ii) Small craft that are continuously manned and capable of getting underway may anchor within these anchorages during daylight hours without prior approval of the Captain of the Port.

(4) *General regulations.* (i) Vessels may use the naval mooring buoys in the General Anchorage without charge for a period up to 72 hours if authorized by the Captain of the Port. Vessels so moored shall promptly

move at their own expense upon notification from the Captain of the Port.

(ii) Except for vessels not more than 65 feet in length, all vessels shall anchor in an anchorage ground.

(iii) Vessels anchored in an anchorage ground shall place their anchors within the anchorage ground so that no portion of the hull or rigging at any time extends outside the anchorage ground.

(iv) No vessel may anchor in the harbor for more than 30 consecutive days without permission of the Captain of the Port.

(Sec. 6(g)(1)(A), 80 Stat. 937; 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1))

[CGD 72-51R, 37 FR 10801, May 31, 1972, as amended at 37 FR 15993, Aug. 9, 1972; CGD 73-191, 40 FR 1017, Jan. 6, 1975]

### § 110.240 San Juan Harbor, P.R.

(a) *The anchorage grounds*—(1) *Yacht, schooner, and small craft Anchorage D.* That part of San Antonio Channel eastward of longitude 66°05′45″.

(2) *Temporary Anchorage E (general).* Beginning at a point which bears 262° T, 878 yards from Isla Grande Aero Beacon; thence along a line 75°47′, 498 yards; thence along a line 134°49′, 440 yards; thence along a line 224°49′ to the northerly channel limit of Graving Dock Channel, and thence to the point of beginning.

(3) *Restricted Anchorage F.* Beginning at a point which bears 212°30′, 1,337.5 yards from Isla Grande Light; thence along a line 269°00′, 550 yards; thence along a line 330°00′ to the westerly channel limit of Anegado Channel; and thence along the westerly channel limit of Anegado Channel to the point of beginning.

(b) *The regulations.* (1) The anchorage described in paragraph (a)(1) of this section shall be reserved for the anchorage of yachts, schooners, and small craft.

(2) Vessels awaiting customs or quarantine shall use the anchorage described in paragraph (a)(2) of this section. No vessel shall remain in this anchorage more than 24 hours without a permit from the U.S. Coast Guard Captain of the Port.

(3) Restricted Anchorage F shall serve both as an additional general anchorage area in cases where the temporary anchorage is full, and as an explosives anchorage for vessels loading or unloading explosives in quantities no greater than forty (40) tons, Commercial Class "A" Explosives, when so authorized by the United States Coast Guard Captain of the Port. No vessel shall enter or anchor therein without first obtaining a permit from the United States Coast Guard Captain of the Port.

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); sec 6(g)(1)(A), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 79-119, 45 FR 32673, May 19, 1980]

### § 110.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.

(a) *The anchorage grounds*—(1) *Vieques Passage explosives anchorage and ammunition handling berth (Area 1).* A circular area having a radius of 1,700 yards with its center at latitude 18°09′00″N., longitude 65°32′40″W.

(2) *Vieques Sound explosives anchorage and ammunition handling berth (Area 2).* A circular area having a radius of 2,000 yards with its center at latitude 18°11′48″, longitude 65°26′06″.

(3) *Southern Vieques Passage explosives anchorage and ammunition handling berth (Area 3).* A circular area having a radius of 2,000 yards with its center at latitude 18°05′51″, longitude 65°36′14″.

(b) *The regulations.* (1) No vessel or craft shall enter or remain in these anchorages while occupied by vessels having on board explosives or other dangerous cargo. Explosives in quantities no greater than 1,625 short tons will be handled in any area at one time.

(2) The regulations of this section shall be enforced by the Commander, Greater Antilles Section, U.S. Coast Guard Base, San Juan, Puerto Rico, and such agencies as he may designate.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 77-067, 44 FR 50040, Aug. 27, 1979]

### § 110.250 St. Thomas Harbor, Charlotte Amalie, V.I.

(a) *The anchorage grounds*—(1) *Inner harbor anchorage.* Beginning at a point bearing 85°, 525 yards from the outer end of a pier at latitude 18°20′19″, longitude 64°56′26″ (approximate); thence 146°, 800 yards; thence 70°, 860 yards; thence 340°, 500 yards; and thence to the point of beginning.

(2) *Outer harbor anchorage.* Beginning at Scorpion Rock lighted buoy No. 1 (latitude 18°19′25.6″, longitude 64°55′41.8″); thence 180°, 1,580 yards; thence 264°30′, 2,490 yards; thence due north 1,255 yards; thence due east to the southerly tip of Sprat Point, Water Island; thence to Cowell Point, Hassel Island; and thence to the point of beginning.

(3) *East Gregerie Channel anchorage (general purpose).* Bounded on the northeast by Hassel Island; on the southeast by the northwest boundary of the outer harbor anchorage; on the southwest by Water Island; and on the northwest by a line running from Banana Point, Water Island, 55° to Hassel Island.

(4) *Small-craft anchorage.* All the waters north of a line passing through the outer end of a pier at latitude 18°20′19″, longitude 64°56′26″ (approximate) and ranging 85°.

(5) *Deep-draft anchorage.* A circular area having a radius of 400 yards with its center at latitude 18°19′12.2″, longitude 64°58′47.8″.

(6) *Long Bay anchorage.* The waters of Long Bay bounded on the north by the southerly limit line of Anchorage E, on the west by the easterly limit line of Anchorage A to a point at latitude 18°20′18″, thence to latitude 18°20′13″, longitude 64°55′21″; and thence to the shoreline at latitude 18°20′15″, longitude 64°55′13″.

(b) *The regulations.* (1) The outer harbor anchorage shall be used by vessels undergoing examination by quarantine, customs, immigration, and Coast Guard officers. Upon completion of these examinations, vessels shall move promptly to anchorage. This anchorage shall also be used by vessels having drafts too great to permit them to use the inner harbor anchorage. No vessel shall remain more than 48 hours in this anchorage without a permit from the Harbor Master.

(2) The small-craft anchorage shall be used by small vessels undergoing examination and also by small vessels anchoring under permit from the Harbor Master.

(3) The requirements of the Navy shall predominate in the deep-draft anchorage. When occupied by naval vessels all other vessels and craft shall remain clear of the area. When the area is not required for naval vessels, the Harbor Master may upon application made in advance assign other vessels to the area. Vessels so assigned and occupying the area shall move promptly upon notification by the Harbor Master.

(4) The harbor regulations for the Port of St. Thomas, V.I. of the United States and approaches thereto, including all waters under its jurisdiction, as adopted by the Government of the Virgin Islands, will apply to the Long Bay Anchorage.

(5) In addition, the Long Bay Anchorage is reserved for all types of small vessels, including sailing and motor pleasure craft, and such craft shall anchor in no other area except Anchorage E, in the northern portion of the harbor of Charlotte Amalie.

(6) Floats for marking anchors in place will be allowed in the Long Bay anchorage; stakes or mooring piles are prohibited.

(7) Vessels not more than 65 feet in length are not required to exhibit or carry anchor lights within the Long Bay anchorage, but must display them if emergency requires anchoring in any other part of the harbor.

(8) No vessel may anchor in any of the St. Thomas Harbor Anchorages without a permit from the Harbor Master.

(9) The U.S. Coast Guard Captain of the Port of St. Thomas is hereby empowered, whenever the maritime or commercial interests of the United States so require, to shift the position of any vessel anchored within the Long Bay anchorage, and of any vessel which is so moored or anchored as to impede or obstruct vessel movement in the harbor, and to enforce all regulations of this section should the need arise.

### § 110.255 Ponce Harbor, P.R.

(a) *Small-craft anchorage.* On the northwest of Ponce Municipal Pier and northeast of Cayitos Reef, bounded as follows: Beginning at latitude 17°58′27″, longitude 66°37′29.5″, bearing approximately 325° true, 2,200 feet from the most southwest corner of Ponce Municipal Pier; thence 273°30′ true, 1,800 feet; thence 15° true, 900 feet; thence 93°30′ true, 1,800 feet; thence 195° true, 900 feet to the point of beginning.

(b) *The regulations.* (1) The Commonwealth Captain of the Port may authorize use of this anchorage whenever he finds such use required in safeguarding the maritime or commercial interests.

(2) No vessel shall anchor within the area until assigned a berth by the Commonwealth Captain of the Port. Application for permission to occupy the anchorage must be submitted in advance by the master or authorized representative of the vessel.

(3) Vessels occupying the anchorage will at all times keep within the limits of the area, and shall move or shift their position promptly upon notification by the Commonwealth Captain of the Port.

(4) The anchorage is reserved for all types of small craft, including schooners, fishing vessels, yachts and pleasure craft.

(5) Floats for marking anchors in place will be allowed; stakes or mooring piles are prohibited.

# SUBCHAPTER J—BRIDGES

## PART 114—GENERAL

Sec.

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AUTHORITY: Sec. 5, 28 Stat. 362, as amended, sec. 11, 54 Stat. 501, as amended, sec. 12, 60 Stat. 244, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 521, 5 U.S.C. 559, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

SOURCE: CGFR 67-46, 32 FR 17769, Dec. 12, 1967, unless otherwise noted.

### § 114.01 Purpose.

(a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for:

(1) Locations and clearances of bridges and causeways over the navigable waters (33 U.S.C. 401, 491 to 507, and 525 to 534).

(2) Administration of the alteration of obstructive bridges (33 U.S.C. 511 to 524).

(3) Regulation of drawbridge operation (33 U.S.C. 499).

(b) The rules and regulations in this subchapter also describe the procedures and practices, including forms and instructions, which are applicable to the public subject to certain laws governing bridges and causeways over the navigable waters of the United States.

(c) Subsection 6(g) of the Department of Transportation Act (Sec. 6(g), 80 Stat. 937, 49 U.S.C. 1655(g)) transferred and vested in the Secretary of Transportation all functions, powers and duties of the Secretary of the Army and other officers and offices of the Department of the Army under specified laws. The Secretary of Transportation by 49 CFR 1.45(b) and 1.46(c) (5), (6), (8), (9), and (10) delegated to the Commandant, U.S. Coast Guard, with the authority to redelegate within the Coast Guard, the authority to exercise the functions, powers, and duties of the Secretary with respect to the following provisions of law:

(1) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499), regarding drawbridge operation regulations.

(2) The act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), regarding obstructive bridges.

(3) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401), regarding construction of bridges, causeways, etc., to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(4) The act of March 23, 1906, as amended (34 Stat. 84; 33 U.S.C. 491 et seq.), regarding general bridge authority to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(5) The General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525 et seq.), to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(d) The Commandant by 33 CFR 1.05-1(c)(4) delegated to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters the authority to issue rules and regulations pertaining to the operation of drawbridges. This authority shall not be further redelegated.

[CGFR 67-46, 32 FR 17769, Dec. 12, 1967, as amended by CGFR 70-115, 35 FR 15923, Oct. 9, 1970; CGFR 71-95, 36 FR 19160, Sept. 30, 1971]

### § 114.05 Definitions.

(a) *General.* Certain terms as used in this subchapter are defined in this section.

(b) *Approved.* The term "approved" means approved by the Commandant unless otherwise stated.

(c) *Bridges.* The term "bridge" means a structure erected across navigable waters of the United States, and includes causeways, approaches, fenders, and other appurtenances thereto.

(d) *Coast Guard District Commander or District Commander.* The term "Coast Guard District Commander" or "District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district. (See Part 3 of this chapter for descriptions of Coast Guard Districts.)

(e) *Commandant.* The term "Commandant" means Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20593.

(f) *District Office or Coast Guard District Office.* The term "District Office" or "Coast Guard District Office" means the Office of the Commander of a Coast Guard District.

(g) *Headquarters or Coast Guard Headquarters.* The term "Headquarters" or "Coast Guard Headquarters" means the Office of the Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20593.

(h) *Permit.* The term "permit" means the license permitting construction of bridges and approaches thereto in or over navigable waters of the United States, issued under the rules and regulations in this subchapter.

(i) *Secretary.* The term "Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(j) *United States Coast Guard or Coast Guard.* The term "United States Coast Guard" or "Coast Guard" means the organization or agency established by the act of January 28, 1915, as amended (14 U.S.C. 1).

(k) *Chief, Office of Marine Environment and Systems.* The term "Chief, Office of Marine Environment and Systems" means the officer of the Coast Guard designated by the Commandant as his staff officer in charge of the Office of Marine Environment and Systems, U.S. Coast Guard Headquarters.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.46(c)(8), (9), (10), (q))

[CGFR 67-46, 32 FR 17769, Dec. 12, 1967, as amended by CGFR 71-95, 36 FR 19160, Sept. 30, 1971; CGD 76-144, 42 FR 28882, June 6, 1977]

### § 114.10 General policies on issuance of permits.

(a) The decision as to whether a permit will be issued must rest primarily upon the effect of the proposed work on navigation. However, in cases where the structure is unobjectionable from the standpoint of navigation but when State or local authorities decline to give their consent to the work, it is not usual for the Coast Guard actually to issue a permit. This is for the reason that while the instrument merely expresses assent so far as concerns the public rights of navigation, it practically becomes of no value in the event of opposition by State or local authority and may be regarded by such authority as an act of discourtesy. In such cases the applicant is informed that the structure is unobjectionable from the standpoint of navigation and that permit would be issued were the consent of the local authority also forthcoming.

(b) In cases of conflicting property rights the Coast Guard cannot undertake to adjudicate rival claims.

(c) Where it is found that the work for which a permit is desired may interfere with a proposed flood control project, the applicant and the party or parties responsible for fulfillment of the requirements of local cooperation will be apprised in writing of the fact and of the possibility that a flood control project which may be constructed in the vicinity of the proposed work will necessitate its removal or reconstruction. It is pointed out to the applicant and to local interests that the Coast Guard's function in approving plans for bridges across navigable waters is only to insure that structures meet the requirements of navigation and that the application for a permit will be considered on that basis; and that the United States will in no case be liable for any damage or injury to the structures which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claims or right to compensation will accrue from any such damage.

### § 114.20 Departure from permit plans.

(a) If the final inspection shows a minor departure from the authorized plans which does not materially affect navigation, the permittee will be required to furnish a tracing showing the work as actually constructed but no further action will be taken by the Coast Guard.

(b) It is not the practice of the Coast Guard to issue letters certifying that completed work conforms to that which was authorized. That question is a matter of fact to be determined in case of controversy by the usual rules of court procedure.

### § 114.25 Work constructed without prior authority.

The Commandant will approve plans and issue permits authorizing bridges across navigable waters, in cases where the application therefor is submitted after the commencement or completion of the bridges subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly existed, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. Upon issuance of the permit, applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Commandant before construction is begun.

### § 114.30 Revocation and relinquishment of permits.

(a) Permits may be revoked by the Commandant for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interests of navigation or flood control.

(b) District Commanders may accept from the permittee a voluntary relinquishment of the permit, and will inform the Commandant of this fact.

### § 114.35 Final opinions and orders in adjudication of cases.

Final opinions and orders in the adjudication of cases will not be published. They will be served on the parties directly affected thereby and subject thereto. Copies of such opinions and orders will be made available to public inspection in the office of the District Commander in whose district the case arose and at Coast Guard Headquarters.

### § 114.40 Violations of law.

Although the Coast Guard has the authority and responsibility for enforcement of the applicable provisions of law for the protection and preservation of navigable waters, it has been the long standing policy to secure compliance with their provisions short of legal proceedings. Accordingly every effort is made to accomplish corrective measures prior to initiation of action leading to such proceedings. As a general rule, no action is taken when the violation is minor, unintentional, or accidental, and the party responsible makes good the damages suffered. It is the established policy of the Coast Guard not to recommend prosecution when the violation is trivial, apparently unpremeditated, and results in no material public injury. Prosecution is recommended in all cases of willful or intentional violations and all cases in which the parties responsible refuse or neglect to remove the unlawful structure or to make good the damages suffered.

### § 114.45 Applications, extensions of time.

Extensions of time to commence or complete construction of a bridge or remove a bridge that has been replaced as an element of a permitted bridge project must be submitted to, and received by the District Commander at least 30 days before the existing permit expires to allow the permit to remain in effect until the final agency action is taken.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.46(c) (8), (9), (10), (q))

[CGD 76-144, 42 FR 28882, June 6, 1977]

### § 111.50 Rules and regulations.

Publication of all rules is required by 5 U.S. Code 552 except to the extent that there is involved any function of the United States requiring secrecy in the public interest or any matter relating solely to the internal management of an agency, in which cases rules are not published. Except to the extent that there is involved any function of the United States requiring secrecy in the public interest, all rules, whether published or unpublished, will be made available to public inspection in all offices of District Commanders and at Coast Guard Headquarters.

### § 111.60 Publication: notice of proposed rule making.

(a) Publication of general notice of proposed rule making in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), is required by 5 U.S. Code 553, except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Except where notice or hearing is required by statute, this requirement does not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) General notice of proposed rule making published in accordance with the above will include (1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

## PART 115—BRIDGE LOCATIONS AND CLEARANCES; ADMINISTRATIVE PROCEDURES

Sec.
115.01 Purpose.
115.05 Necessary primary authority.
115.10 Limiting date in permits.
115.15 Permit bonds.
115.20 Transfer of permits.
115.25 Assignment of bridge franchises.
115.30 Sufficiency of State authority for bridges.
115.40 Bridge repairs.
115.50 Bridges across waterways.
115.60 Procedures for handling applications for bridge construction authorization.
115.70 Advance approval of bridges.

AUTHORITY: Sec. 5, 28 Stat. 362, as amended, sec. 11, 54 Stat. 501, as amended, sec. 12, 60 Stat. 244, as amended, sec. 6(g), 80 Stat. 941: 33 U.S.C. 499, 521, 5 U.S.C. 559, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3), unless otherwise noted.

SOURCE: CGFR 67-46, 32 FR 17771, Dec. 12, 1967, unless otherwise noted.

### § 115.01 Purpose.

This part states the general course and method by which certain functions, powers, and duties delegated to the Commandant, U.S. Coast Guard, are channeled and determined, including the nature and requirements of all procedures as well as forms and instructions. They are intended to show what the Coast Guard requires and how it acts in a given type of case.

### § 115.05 Necessary primary authority.

For bridges constructed by State or municipal agencies, the primary authority will be presumed without proof. If the law of the State requires a license for or approval of the bridge from a constituted State agency, a copy of such license or approval will be required and may be accepted as evidence of the primary authority. If there be no State regulation of bridges in navigable waters, the necessary primary authority may be that granted in the charter of a corporation, or the authority inherent in the ownership of the land on which the structure is placed. The applicant will in such cases be required to furnish an extract from the charter, or a statement of ownership. Especial care will be taken that Federal approval is not granted when there is doubt of the right of the builder to construct and utilize the bridge.

### § 115.10 Limiting date in permits.

(a) Specific time limitations are inserted in all permits for the commencement of construction and completion thereof. Normally three years for start of construction and two additional years for completion may be allowed.

(b) Specific time limitations are inserted in all permits for the removal of bridges being replaced in whole or in part by the newly permitted bridges where removal thereof is required as a condition of the permit. Normally 90 days for removal after completion of the new bridge or opening to land transportation, whichever occurs first, may be allowed.

(c) A district commander may grant one extension of time not to exceed two years for the commencement of construction, and extensions of time not to exceed two years for completion of construction. A district commander may grant one extension of time for removal of bridges being replaced in whole or in part not to exceed one additional 90 day period.

[CGD 75-046, 40 FR 24898, June 11, 1975]

### § 115.15 Permit bonds.

When compensatory works or the removal of temporary structures should be required of the permittee, or in other unusual cases when there is reason to anticipate that the permittee may fail to carry out parts of the work that are against his interest, an additional condition will be included in the permit requiring the permittee to furnish a bond insuring compliance with the permit requirements.

### § 115.20 Transfer of permits.

Permits express merely the assent of the Federal Government so far as concerns the public rights of navigation. Although issued to a specific party, the assent is not limited to execution of the work by that party and may be availed of by the assignees or purchasers of the property affected, provided the terms of the instrument are strictly complied with.

### § 115.25 Assignment of bridge franchises.

Authority granted by an act of Congress to construct a bridge is a franchise which cannot be assigned without the permission of Congress. The Coast Guard has no authority to approve the plans of a bridge on an application made by a party or corporation to which the franchise has been transferred without authority of Congress. When plans have been approved and the bridge has been built the franchise is regarded as passing with the title to the property, and in such case plans for the renewal, reconstruction, or repair of the bridge may be accepted from the person or corporation in actual possession or control of the property. A similar rule applies to bridges authorized by State laws.

### § 115.30 Sufficiency of State authority for bridges.

An opinion of the attorney general of the State as to the sufficiency of State authority for the construction of a bridge is acceptable to the Coast Guard in doubtful cases.

### § 115.40 Bridge repairs.

Repairs to a bridge which do not alter the clearances, type of structure, or any integral part of the substructure or superstructure or navigation conditions, but which consist only in the replacement of worn or obsolete parts, may, if the bridge is a legally approved structure, be made as routine maintenance without approval of the U.S. Coast Guard.

### § 115.50 Bridges across waterways.

(a) *Approval of plans.* To obtain approval of the Commandant, an application for authorization to construct a bridge across navigable waters of the United States must show the name and address of the applicant; the waterway and location of the bridge; citation to the act of Congress or the State legislature authorizing the bridge; be accompanied by a map of the location and plans of the bridge showing these features which affect navigation; papers to establish the identity of the applicant.

(b) *Prior authority necessary.* A bridge cannot lawfully be constructed across any navigable waterway of the United States until legislative authority has been obtained and the plans have been approved by the Commandant. (See section 9, River and Harbor Act of Mar. 3, 1899 (30 Stat. 1151; 33 U.S.C. 401), General Bridge Act of Mar. 23, 1906 (34 Stat. 84; 33 U.S.C. 491), and General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 525 et seq.).)

(c) *Legislation required.* The legislative authority must be obtained from Congress if the bridge crosses an international waterway. If the navigable portions of the waterway are not within the limits of a single State, the General Bridge Act of 1946 grants authority of Congress and no special act is necessary. If the navigable portions of the waterway are within the limits of a single State, State authority is necessary.

(d) *Form.* The application for the approval of plans consists of a letter accompanied with maps and plans of the proposed structure.

(e) *Signature.* In case of signature by an agent or by an official of a corporation, a duly authenticated copy of the authority for the action must accompany the application.

(f) *Identification.* If the applicant is a corporation, it must furnish certified copies of the following papers, all properly authenticated: The charter or articles of incorporation; the minutes of organization; extract from minutes showing the names of the present officers of the corporation.

(1) Where State laws vest in State or county officers, such as boards of supervisors and county courts, the power to authorize the construction of bridges, they must furnish with their application certified extracts from their proceedings showing their action authorizing the proposed structure.

(g) *Plans.* Four sets of plans must be submitted with the application, on which the location of the work and the essential features covered by the application will be outlined in red. Each drawing must have a simple title, date and number, preferably in the lower righthand corner.

(h) *Size of sheets.* The drawings will be on sheets 8 by 10½ inches in size. As few sheets will be used as necessary to show clearly what is proposed.

(i) *Special instructions.* (1) The scale will be shown graphically. The north and south line will be indicated by a meridian arrow. Soundings and elevations will be shown in feet and referred to the established Government datum plane at the locality.

(2) The direction of currents will be indicated by an arrow, and the strength of currents, both ebb and flow, or low water and high water, will be shown close to the proposed location of the bridge, and at both ends of the waterway shown on the map of location.

(3) The plans will show in figures the least clear height of the lowest part of the superstructure over navigation openings, with reference to the planes of mean high water and mean low water if the bridge is to cross tidal water. If the waters are nontidal, the least clear height will be shown with reference to the planes of extreme high water and mean low water. If records of river heights are available, the plane above which flood waters have not remained more than 2 percent of the time will be indicated. Reference will also be made to other datum planes if appropriate for the waterway in question.

(4) If harbor lines have been established at the site of the bridge, their position will be shown on the plans.

(j) *Structural details.* Only those should be shown which are needed to illustrate the effect of the proposed structure on navigation. If the bridge is to be equipped with a draw, the latter will be shown in two positions: closed and open.

(k) *To whom application should be presented.* The application and the papers and plans accompanying it should be submitted to the District Commander having jurisdiction over the area in which the bridge site is located.

(l) *Action on application.* When an application is received for approval of plans for a bridge, the District Commander will verify the authority for construction of the bridge, review the application and plans as to sufficiency, ascertain the views of local authorities and other interested parties, and submit a report with the application to the Commandant.

(1) When an application is received for approval of deviation from plans of a bridge previously approved by the Commandant, a district commander may approve the application if:

(i) The proposed deviation does not reduce the approved horizontal or vertical clearances or location of the navigation span; and

(ii) The impacts on the environment already considered are not significantly altered.

[CGFR 67-46, 32 FR 17771, Dec. 12, 1967, as amended by CGD 75-046, 40 FR 24898, June 11, 1975]

### § 115.60 Procedures for handling applications for bridge construction authorization.

The following procedures will be observed in the handling of applications involving proposed bridges or modification or replacement of existing bridges over navigable waters.

(a) *Verification of construction authorization.* District Commanders will require applicants to establish their identity to insure that the applicant represents the individual, agency or corporation to whom Congress or the State has granted the authority for bridge construction. If the applicant is a corporation, it must state its acceptance of the provisions of the act of Congress, if applicable.

(b) *Preliminary review of application and plans.* If upon preliminary examination of the application the District Commander feels that it must inevitably be denied (as might be the case, for example, if a bridge with too little clearance were proposed to be built), he will notify the applicant that the desired permit cannot be granted and states his reasons. If, however, the applicant desires that his application receive the further consideration of the Commandant, and in all other cases in which the application is not defective on its face, the District Commander is required to give public notice that the application has been filed and proceed with the case.

(c) *Notice and hearing.* (1) Public hearings will be held on those cases where there are substantial issues relevant to the effect that the proposed bridge will have on the reasonable needs of navigation. The Chief, Office of Marine Environment and Systems, issues the notice of public hearing described in paragraph (c)(2) of this section.

(2) The notice is a brief formal statement identifying the application, to which the hearing relates, indicates the place and time of hearing, customarily 30 days after notice, and indicates the particular issues to which the hearing will pertain. Notice is communicated to the applicant by letter and mailed to State, county, and municipal authorities and all other known interested parties. It is also posted at the post office nearest the site and public places in the vicinity.

(3) Hearings are public and conducted in an informal manner. The District Commander, or another officer attached to his staff, presides. At the opening of the hearing the presiding officer announces (i) the purpose of the hearing, (ii) that the Coast Guard desires all interested parties to make full and frank statements of their views, (iii) that the Coast Guard will consider all evidence and arguments presented, and (iv) that later ex parte evidence and arguments are not desired unless the matter is new, material, and could not be presented at the hearing. The statutes bearing on the subject matter of the hearing and any other pertinent documents are read aloud and the discussion is then opened. The submission of written statements is invited and encouraged. Anyone desiring to do so may speak. Statements, written or oral, are not under oath, and cross-examination is not usually permitted. No fixed order has been established for the presentation of evidence or argument although proponents are generally heard first, followed by opponents with full opportunity afforded for rebuttals.

(d) *District Commander's report.* When the study has been completed and the minutes of the hearing (if held) has been transcribed, the District Commander prepares his report. It is a detailed statement of his findings, conclusions, and recommendations based on information obtained at the hearing (if held) and knowledge derived from his experience and office data. His report must include:

(1) Comparison of proposed bridge with existing bridges over the waterway; attitude of local authorities; summary of objections offered at public hearing (if held), with his comments thereon; probable effect on navigation, present and prospective, with reasons, on harbor lines and on flood heights and drift; his remarks and recommendations; and a list of the parties notified, the record of hearing (if held), and all other pertinent papers to complete the record.

(2) Description of the navigation on the waterway past the site of the proposed bridge, the number and type of vessels, the number of vessel trips, and the principal method of handling traffic, whether in single vessels or in tows. If tows are used, the manner in which they are made up shall be stated, whether in fleets or in single vessels arranged tandem. The probable maximum length and breadth of tows during the lifetime of the bridge shall be given and the manner in which they are likely to pass the navigation opening, whether directly ahead on a line approximately parallel to the channel axis, or by flanking movement. If flanking movement is likely, the report shall also give the width of waterway required for the passage of the maximum-sized tow in the most oblique position it will probably have with respect to the channel axis.

(3) Specifically whether he recommends approval of the plans. If he finds them objectionable, a detailed statement of his objections must be submitted. If the clearances which he recommends are smaller than the corresponding clearances on that portion of the waterway bearing the larger or more important traffic between the proposed location and principal connecting waterways, he must state the names and locations of the bridges in which the larger clearances are found and give in detail the reasons for his recommendations. If he considers the plans do not afford reasonable passage of floodwaters in and outside of the natural stream bed, the applicant will be so advised. If the applicant declines to submit plans with adequate water passages, the case is referred to the Commandant with full information and appropriate recommendation.

(4) If approval is recommended, all conditions to which the permit should be subject will be stated.

(e) *Final action.* (1) The file is received in the Bridge Division of the Office of Marine Environment and Systems where it is again subjected to analysis and review. When the Commandant disagrees with the District Commander on a substantive matter, he may return the case for reconsideration, or when he disagrees as to a matter of procedure, he may return the case with instructions to correct the procedural defect (such as the failure to give notice, or to hold a public hearing). When favorable action is taken on an application, the permit is signed by the Commandant and transmitted directly to the applicant. When unfavorable action is taken, the Commandant will inform the applicant of the reasons for rejection and the modifications of plans which would justify reconsideration.

(2) When a district commander approves or denies an application for deviation from plans already approved he signs the approval or denial and informs the applicant of the approval or denial. However, when an application for deviation of plans is denied by a district commander, the applicant is informed that he may request review and reconsideration by the Commandant. In all cases of denial, the Commandant may review and reconsider the denial action of a district commander.

(Sec. 5, 28 Stat. 362, as amended; (33 U.S.C. 401, 491, 525, 535; 49 U.S.C. 1655(g)(6); 49 CFR 1.46(c) (8), (9), (10), (q))

[CGFR 67-46, 32 FR 17771, Dec. 12, 1967, as amended by CGD 731-268R, 39 FR 2361, Jan. 21, 1974; CGD 75-046, 40 FR 24898, June 11, 1975; CGD 76-144, 42 FR 23882, June 6, 1977]

### § 115.70 Advance approval of bridges.

(a) The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to start of construction (33 U.S.C. 525). The Commandant has given his advance approval to the location and plans of bridges to be constructed across reaches of waterways navigable in law, but not actually navigated other than by logs, log rafts, rowboats, canoes and small motorboats. In such cases the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation.

(b) Before any waterway is designated as having such advance approval, the District Commander shall issue a public notice to give interested parties full opportunity to be heard. Following designation of the waterways to which the advance approval procedure will be applied, a second public notice shall be issued advising interested parties of the action taken.

(c) The term "small motorboats" shall be interpreted in the light of the things and conditions with which it is associated. The term means rowboats, canoes and other similar craft with outboard motors. It does not include sailing or cabin cruiser craft. The term is used to distinguish such craft from the definition of "motorboat" in the Motorboat Act of June 25, 1940 (46 U.S.C. 526), which includes craft up to 65 feet in length.

(d) In general, the advance approval procedure is intended to apply only to routine and obvious circumstances. Any case of reasonable doubt will be resolved by the usual practice of notice or hearing prior to specific approval of location and plans based upon findings made at the time and under the conditions then existing.

## PART 116—ALTERATION OF OBSTRUCTIVE BRIDGES

Sec.

116.01 Purpose.
116.05 Alteration of bridges other than railroad or publicly owned highway bridges.
116.10 Alteration of railroad or publicly owned highway bridges.
116.15 Investigation of complaints of obstructive bridges.
116.20 Hearings to be held on obstructive bridges.
116.25 Order to alter obstructive bridges.
116.30 Approval of award and guaranty of cost under Truman-Hobbs Act.

AUTHORITY: Sec. 5, 28 Stat. 362, as amended, sec. 11, 54 Stat. 501, as amended, sec. 12, 60 Stat. 244, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 521, 5 U.S.C. 559, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

SOURCE: CGFR 67-46, 32 FR 17773, Dec. 12, 1967, unless otherwise noted.

### § 116.01 Purpose.

This part states the general course and method by which certain functions, powers, and duties regarding alteration of obstructive bridges delegated to the Commandant, U.S. Coast Guard, are channeled and determined, including the nature and requirements of all procedures as well as forms and instructions. They are intended to show what the Coast Guard requires and how it acts in a given situation.

### § 116.05 Alteration of bridges other than railroad or publicly owned highway bridges.

Whenever the Commandant has good reason to believe that a bridge across any of the navigable waters of the United States, other than a railroad or publicly owned highway bridge, is an unreasonable obstruction to navigation, it shall be his duty, after giving the parties interested reasonable opportunity to be heard, to notify the persons or corporation owning or controlling such bridge to alter it so as to render navigation through or under it reasonably free, easy, and unobstructed. He shall specify the changes that are required to be made and shall prescribe a reasonable time in which to accomplish them. Failure to comply with such notice will subject the owner or controller of the bridge to the penalties prescribed by law (33 U.S.C. 494; 33 U.S.C. 502).

### § 116.10 Alteration of railroad or publicly owned highway bridges.

(a) Whenever the Commandant has good reason to believe that a railroad or publicly owned highway bridge across any of the navigable waters of the United States is an unreasonable obstruction to navigation, it shall be his duty, after giving notice to interested parties, to hold a public hearing at which the bridge owner, those interested in water navigation, railway and/or highway traffic, and any other parties in interest shall have full opportunity to offer evidence and be heard as to whether alterations to the bridge are necessary and, if so, to what extent. Due regard shall be given to the necessities of free and unobstructed water navigation and of rail and/or highway traffic. If the Commandant thereafter determines that alteration of the bridge is necessary, he shall issue to the bridge owner an order to alter, under the provisions of the Truman-Hobbs Act (act of June 21, 1940, as amended; 54 Stat. 497; 33 U.S.C. 511 et seq.), specifying such changes as he finds necessary for the purpose of navigation.

(b) The Truman-Hobbs Act further provides for the approval by the Commandant of general plans and specifications and contracts for the project and apportionment of the total cost thereof between the United States and the bridge owner.

(c) Penalties for noncompliance with lawful orders issued pursuant to the Truman-Hobbs Act are prescribed by law.

### § 116.15 Investigation of complaints of obstructive bridges.

(a) Upon receipt of a complaint that a bridge over a navigable waterway of the United States is an obstruction to navigation, the District Commander will investigate to determine if, in his opinion, the complaint is justified. If the District Commander does not consider the bridge unreasonably obstructive to navigation he will so notify the complainant. If the District Commander finds that the bridge is unreasonably obstructive or is unable to satisfy the complainant that the bridge is not obstructive, he will submit a report to the Chief, Office of Marine Environment and Systems, specifying the character of obstruction, the changes necessary to render navigation through or under the bridge reasonably free, easy, and unobstructed, and his estimate of a reasonable period of time in which to make the required changes. In cases under the Truman-Hobbs Act, the estimate of time required need not be included but the best available preliminary estimate of total cost of the required changes and probable portion of cost to be borne by the United States will be stated.

(b) The Chief, Office of Marine Environment and Systems will notify the District Commander of the action desired after consideration of the report on the complaint.

[CGFR 67-46, 32 FR 17773, Dec. 12, 1967, as amended by CGFR 71-95, 36 FR 19160 Sept. 30, 1971]

### § 116.20 Hearings to be held on obstructive bridges.

(a) Upon receipt of authority from the Chief, Office of Marine Environment and Systems, the District Commander will arrange for a hearing at which the owners and controllers of the bridge, the complainants, and all other known interested parties will be given reasonable opportunity to be heard.

(b) The notice of the hearing will include statements of the changes required and, except in cases under the Truman-Hobbs Act, the estimate of time considered reasonable for accomplishment of the changes.

(c) Upon conclusion of hearings, the District Commander will submit to the Chief, Office of Marine Environment and Systems a full report on the subject, including statements on:

(1) Whether the bridge unreasonably obstructs navigation.

(2) Whether rafts, selfpropelled vessels, or other watercraft have difficulty in passing the draw opening or drawspan.

(3) The changes necessary to render navigation through or under the bridge reasonably free, easy, and unobstructed.

(4) The reasonable time in which such changes should be made, except in the case of railroad or publicly owned highway bridges.

(5) The character and the approximate amount of commerce affected by the obstructive features of the bridge.

(6) Whether, in the judgment of the District Commander, the commerce affected is sufficient to justify the proposed changes in the bridge.

(7) An estimate of cost of alterations and proportionate share to be borne by the United States in actions relating to railroad or publicly owned highway bridges.

(8) A sketch on letter size paper showing the principal features of the

bridge, the particular features against which complaint is made, and any other natural or artificial feature pertinent to consideration of the complaint.

(9) A transcript of the proceedings of the hearing.

[CGFR 67-46, 32 FR 17773, Dec. 12, 1967, as amended by CGFR 71-95, 36 FR 19160 Sept. 30, 1971]

### § 116.25 Order to alter obstructive bridges.

(a) Should the Commandant decide, after review of the report of the District Commander, that a bridge is an unreasonable obstruction to navigation, he will issue an "Order to Alter." Such order will be promptly served on the proper parties. A copy of the order as served, together with a statement thereon executed by the person serving the order showing on whom, when and where the service was made will be returned to the Commandant.

(b) The owner of a bridge to be altered under the provisions of the Truman-Hobbs Act, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), will be advised by the District Commander of the requirements for submission of general plans and specifications. These general plans and specifications will be submitted to the District Commander, who will forward them to the Commandant for approval, together with his comments and recommendations on the proposed navigational clearances. The Commandant will then determine:

(1) Whether the plans and specifications provide for the minimum structure meeting the requirements of the "Order to Alter."

(2) Whether the plans and specifications include items of features not necessary to meet the "Order to Alter" but desired by the bridge owner.

(3) Whether the plans and specifications provide for materials or workmanship of a higher grade than that of comparable items of features of the existing bridge, or where no counterpart, of a higher grade than provided in recommended practice of the Association of American Railroads.

(4) Necessary revisions, if any, of the preliminary estimate of cost and apportionment.

(c) The Commandant will notify the bridge owner of the approval of the plans and specifications and will inform him of the requirements of sections 5 and 6 of the Truman-Hobbs Act, as amended (54 Stat. 498, 499; 33 U.S.C. 515, 516), with respect to submission of bids and guaranty of cost.

### § 116.30 Approval of award and guaranty of cost under Truman-Hobbs Act.

(a) Bids obtained by the bridge owner will be submitted to the Commandant. The Commandant will notify the bridge owner when award is approved and will request him to furnish the guaranty of cost and a statement of the proportionate shares of cost to be borne by the United States and the owner in the following form:

| | | |
|---|---|---|
| Cost of alteration | | $ |
| Cost attributable to bridge owner, viz: | | |
| Direct and special benefits | $ | |
| Expectable savings in repair or maintenance costs | | |
| Costs attributable to the requirements of railroad traffic | | |
| Expenditure for increased carrying capacity | | |
| Expired service life of old bridge | | |
| Cost | | $ |
| Cost to be borne by the United States | | $ |

(b) Direct and special benefits will ordinarily include such items as improved signal and fender system, pro rata share of dismantling costs, and improvements included but not required in the interests of navigation. The foregoing statements will include or be accompanied by breakdown of the statements of total cost and proportionate shares and sufficient details of the features of construction to show how the apportionment was determined and to permit review and auditing of the statements.

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sec.
117.1 General.
117.1a Temporary departures from regulations in this part.
117.2 Machias River, Maine: East Machias Highway bridge between Machiasport and East Machias, Maine.

Sec.
117.2a Narraguagus River, Maine; Maine State Highway Commission bridge across Narraguagus River, Milbridge, Maine.
117.3 Taunton River, Maine; Maine State Highway Commission highway bridge between Hancock and Sullivan.
117.5 Townsend Gut, Maine; bridge (highway) of town of Southport.
117.5a Sheepscot River, Maine; Maine State Highway Commission bridge, mile 14 and Maine Central railroad bridge, mile 15.
117.6 Back River, Maine; highway bridge between Hodgdon and Barter Islands in the town of Boothbay, Maine.
117.8 Kennebec River, highway and railroad bridge, between Bath and Woolwich.
117.10 Kennebec River, Maine; Maine State Highway Commission bridges between Richmond and Dresden and between Gardiner and Randolph.
117.15 Presumpscot River, Portland, Maine; highway bridge at Martin Point.
117.20 Back Cove, Portland, Maine; Canadian National Railway bridge.
117.25 Fore River, Portland Harbor, Maine; bridge (highway), known as "Portland Bridge."
117.28 Kennebunk River, Maine Dock Square Highway Bridge between Kennebunk and Kennebunkport, Maine.
117.35 Piscataqua River, Maine and N.H.
117.40 Bellamy River, N.H.; bridge (highway) between Cedar Point and Dover Point, N.H.
117.48 Little Harbor, N.H.; bridge (highway) between Rye and New Castle, N.H.
117.50 Hampton River, N.H.; bridge (highway) between Seabrook and Hampton Beaches, N.H.
117.55 Merrimack River, Mass.
117.60 Plum Island River, Mass.; bridge (highway).
117.64 Manchester Harbor, Mass.; Boston and Maine Railroad Bridge at Manchester.
117.65 Danvers River, Mass.; bridges (highway and railroad).
117.75 Boston Harbor, Mass., and adjacent waters; bridges.
117.77 North River, Mass.; bridges at Route 3A and Union Street.
117.78 Cape Cod Canal, Mass.
117.80 Acushnet River, Mass.; State of Massachusetts bridge between New Bedford and Fairhaven.
117.81 Apponaganset River, Mass.; Padanarum Highway Bridge at South Dartmouth.
117.85 Sakonnet River, R.I.; State of Rhode Island highway bridge and New York, New Haven & Hartford Railroad Co. bridge at Tiverton.
117.87 Taunton River, Mass.; bridges.
117.90 Providence Harbor, R.I.; bridges.
117.95 Mystic River at Mystic, Conn.
117.100 Thames River, Conn.; The New York, New Haven & Hartford Railroad Co. bridge between New London and Groton.
117.105 Shaws Cove, Conn.; Penn Central railroad bridge.
117.110 Niantic River, Conn., bridges.
117.115 Connecticut River, Conn.; bridges.
117.120 New Haven Harbor, Quinnipiac and Mill Rivers, Conn.; bridges owned and operated by the State of Connecticut and city of New Haven.
117.125 Housatonic River, Conn.; bridges.
117.130 Pequonnock River, Yellow Mill Channel, and Johnson Creek, Bridgeport, Connecticut; bridges.
117.135 Saugatuck River, Conn.; bridge of New York, New Haven & Hartford Railroad Co., at Saugatuck, Conn.
117.145 Norwalk River at Norwalk, Conn.; Washington Street Highway Bridge and the New York, New Haven & Hartford Railroad bridge.
117.150 Mianus River, Conn.; bridge of New York, New Haven & Hartford Railroad Co. at Coscob, Conn.
117.155 Hutchinson River, N.Y.; bridges.
117.156 Westchester Creek and Bronx River, N.Y.; city of New York Bridges at Bruckner Expressway.
117.160 Harlem River, N.Y.; bridges.
117.161 East River, N.Y.; bridge.
117.162 Dutch Kills, N.Y.
117.165 Newton Creek, N.Y.
117.166 Gowanus Canal, N.Y.; bridges.
117.175 Jamaica Bay and connecting waterways, New York.
117.180 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, bridges.
117.185 Hudson River, N.Y.; bridges at Albany and Troy.
117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.
117.191 Navigable waters in the State of Vermont and their tributaries; bridges when constant attendance of draw tenders is not required.
117.200 Newark Bay, Passaic, and Hackensack Rivers, and their navigable tributaries; General Regulations.
117.210 Raritan River and Arthur Kill, and their navigable tributaries; bridges.
117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

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117.220 New Jersey Intracoastal Waterway and tributaries; bridges.
117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.
117.227 Schuylkill and Delaware Rivers.
117.228 Darby Creek, Pa., The Pennsylvania Railroad Co. and Reading Co. bridges near Essington.
117.229 Chester Creek (Front Street) Pa.
117.230 Brandywine River, Del.; bridges.
117.235 Christina River, Del.; bridges.
117.235a Chesapeake and Delaware Canal, Del.: Penn Central Railroad vertical lift bridge.
117.236 Appoquinimink River, Del.; Delaware State Highway Department bridge at Fennimores, Del.
117.237 St. Jones River, Del.: Delaware State Highway Department bridges at Barkers Landing and at Lebanon.
117.237a Mispillion River, Delaware; Delaware State Route 14 bridge at Washington Street, Milford.
117.237b Lewes and Rehoboth Canal, Del.; Delaware State Highway Department bridges at Rehoboth.
117.238 Smyrna River, Del.
117.240 Navigable waters discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, Del.), and into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, La.), except the Mississippi River and its tributaries and outlets; bridges.
117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.
117.270 Cambridge Harbor, Md.; bridge.
117.280 Miles River, Md.; bridge (highway) at Easton, Md.
117.285 Oak Creek, tributary of Miles River, Md.: bridge of the Baltimore, Chesapeake and Atlantic Railroad Co. at Royal Oak, Md.
117.290 Kent Island Narrows, Maryland, Highway bridge at Grasonville, Maryland.
117.305 Baltimore Harbor, Md.; bridge (highway) at Hanover Street across Middle Branch of Patapsco River.
117.310 Severn River, Md.; bridge (highway) near Annapolis, Md.
117.311 Spa Creek, Md., Route 2 drawbridge.
117.325 Potomac River.

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117.330 Anacostia River, Washington, D.C.; bridges.
117.340 Rappahannock River, Va.: all bridges.
117.343 Milford Haven, Va.; Virginia Department of Highways bridge between the mainland and Gwynns Island.
117.349 Eastern Branch of Elizabeth River, Va.; Elizabeth River Tunnel Commission bridge between Norfolk and Berkley.
117.349a Elizabeth River, Southern Branch, Va., Route 337 drawbridge.
117.350 Albemarle and Chesapeake Canal (AIWW), Va.; U.S. Government bridge at Great Bridge.
117.352 Neuse River, N.C.; U.S. 17 highway bridge at New Bern.
117.353 Trent River, N.C.; U.S. 70 highway bridge at New Bern.
117.355 Bogue Sound (Atlantic Intracoastal), N.C.; North Carolina State Division of Highways Bridge at Atlantic Beach.
117.365 Sullivans Island Narrows, AIWW, mile 462.2, Ben M. Sawyer Bridge, SR 703 between Sullivan's Island and Mount Pleasant, S.C.
117.370 Wappoo Creek, AIWW, mile 470.8, Wappoo Creek Bridge, SR 171/700, Charleston, S.C.
117.380 Ladies Island drawbridge, Beaufort River, AIWW, S.C.
117.404 Wilmington River, AIWW, mile 579.9, Chatham County Island Expressway, SR 26, Causton Bluff, Ga.; Wilmington River, AIWW, mile 582.8, State of Georgia Memorial Bridge, SR 80, Thunderbolt, Chatham County, Ga.
117.408 Back River, Ga.; drawbridge in the causeway between Brunswick and St. Simons Island.
117.409 Frederica River, AIWW, mile 675.5, Torras Causeway, Glynn County Drawbridge, St. Simons Island to Brunswick, Ga.
117.429 St. Johns River, mile 24.9, automatic operation of the Florida East Coast Railway bridge, Jacksonville, Fla.
117.430 St. Johns River, Fla.; Main Street, Acosta and Fuller Warren bridges, Jacksonville.
117.430a St. Johns River, Fla.; Florida State Road Department bridge between Sanford and Osteen.
117.431 [Reserved]
117.432 Matanzas River, AIWW, mile 777.9, Bridge of Lions, SR A-1-A, St. Augustine, Fla.
117.432a Matanzas Pass, Fla., Florida State Road Department bridge (State Road 865) at Fort Myers Beach.
117.433 Halifax River, AIWW, Volusia County, Fla.

Sec.
117.433a Indian River North, AIWW, mile 846.5, Harris Saxon Bridge, Lytle Avenue, SR A-1-A, New Smyrna Beach, Fla.
117.434a Haines Creek, Fla., State Road 44 near Lisbon.
117.434b Dead River, Fla., Seaboard Coast Line railroad bridge.
117.435 Indian River, AIWW, mile 876.6, Florida East Coast automated railroad bridge near Jay Jay, Fla.
117.435a Banana River, Fla.; NASA Causeway Bridge near Orsino.
117.436 Indian River, AIWW, mile 878.9, SR 402 Bridge, Titusville, Fla., AIWW, mile 885.0, NASA Causeway Bridge, SR 405, Addison Point, Fla.; AIWW, mile 914.4, Eau Gallie Causeway Bridge, SR 3/518, Eau Gallie, Fla.; and AIWW, mile 918.2, Melbourne Causeway Bridge, SR 516, Melbourne, Fla.
117.436a Loxahatchee River at Jupiter, St. Lucie River (Okeechobee Waterway) at Stuart and St. Lucie Canal (Okeechobee Waterway) at Port Mayaca, Fla.; automatic operation of Florida East Coast Railway bridges.
117.437 Canaveral Harbor Barge Canal, Fla.; Florida State Road AIA bridge on Merritt Island.
117.438 Canaveral Harbor Barge Canal, Fla.; Florida State Road 401 at Canaveral Harbor.
117.438a Indian River, AIWW, mile 951.9, Merrill Barber Bridge, SR 60, Vero Beach, Fla.
117.438b St. Lucie River, Florida, Roosevelt Bridge, U.S. Highway No. 1, Stuart.
117.438c AIWW, mile 1,013.7, Parker Bridge, U.S. 1, North Palm Beach, Fla.
117.439 St. Lucie Canal, Fla.; Seaboard Air Line Railroad Co. bridge near Indiantown.
117.439a St. Lucie Canal, Fla.; the Martin County Bridge on State Road 76A near the Arundel Shops (Palm City Farms).
117.440 Lake Worth, AIWW, mile 1,021.9, Flagler Memorial Bridge, SR A-1-A, and AIWW, mile 1,022.6, Royal Park Bridge, SR 704, Palm Beach, Fla.
117.440a Lake Worth, AIWW, mile 1,024.7, Southern Boulevard Bridge, SR 700/80, Palm Beach, Fla.
117.441a West Palm Beach Canal, Florida; U.S. 1 bridge.
117.442 Hillsboro Inlet, Fla.; AIA bridge.
117.442a Hillsboro River, AIWW, mile 1,055.0, Northeast 14th Street Bridge, Pompano, Fla.
117.443 Hillsboro River, AIWW, mile 1,056.0, Atlantic Boulevard Bridge, SR 814, Pompano, Fla.

Sec.
117.445 New River Sound, AIWW, mile 1,059.0, Commercial Boulevard Bridge, Northeast 50th Street, SR 870, Lauderdale-by-the-Sea, Fla.
117.446 New River Sound, AIWW, mile 1,062.6, Sunrise Boulevard Bridge, Northeast 10th Street; AIWW, mile 1,065.9, Brook Memorial Bridge, Alternate SR A-1-A and Southeast 17th Street, Fort Lauderdale, Fla.
117.446a Lake Mable-Dumfounding Bay, AIWW, mile 1,072.2, Hollywood Boulevard Bridge, SR 820, Hollywood, Fla.
117.446b Lake Mable-Dumfounding Bay, AIWW, mile 1,074.0, Hallendale Beach Boulevard Bridge, SR 824, Hallendale, Fla.
117.446c New River and South Fork of New River, Fort Lauderdale, Fla.; bridges.
117.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.
117.446e Biscayne Bay, AIWW, mile 1,081.4, Broad Causeway Bridge, Northeast 123rd Street between North Miami and Bay Harbor Islands, Fla.
117.446f Biscayne Bay, AIWW, mile 1,089.4, highway and railroad bridges, Dodge Island, Miami, Fla.
117.446g Biscayne Bay, AIWW, mile 1,078.0, Sunny Isle Causeway Bridge, Northeast 163rd Street, SR 826, North Miami Beach, Fla.
117.447 Biscayne Bay, AIWW, mile 1,088.8, MacArthur Causeway Bridge, U.S. 41, SR A-1-A; and AIWW, mile 1,088.6, east and west spans of the Venetian Causeway Bridges, Miami, Fla.
117.447a Biscayne Bay, AIWW, mile 1,091.6, Rickenbacker Causeway Bridge, Miami, Fla.
117.448 Miami River, Fla.; highway bridges from mouth to and including State of Florida bridge at Northwest 27th Avenue, Miami.
117.449 Miami River, Fla.; Seaboard Air Line Railroad Co. bridge, Miami.
117.462 Caloosahatchee River, Okeechobee Waterway, mile 134.5, Edison Memorial Bridge, U.S. 41, Fort Myers, Fla.
117.462a Sarasota County bridges.
117.463 Manatee River, Fla.; U.S. Route 41 drawbridge near Bradenton.
117.465 Hillsborough River, Tampa, Florida.
117.466 Clearwater Harbor, AIWW, mile 136.0, Clearwater Memorial Causeway, SR 60, Clearwater, Fla.
117.467 Clearwater Pass, Clearwater, Florida.
117.480 Intracoastal Waterway, Santa Rosa Sound, Fla.; Santa Rosa Island Authority highway bridge between Gulf Breeze and Santa Rosa Island, State Road 399.

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117.485 Escatawpa River, Miss.; Mississippi State Highway 63 drawbridge, mile 1.0.
117.491 Mobile River and Chickasaw Creek, Ala.; Alabama State Highway bridge across Mobile River and Louisville & Nashville Railroad Co. bridge across Chickasaw Creek at Mobile, Ala.
117.495 Pascagoula River at Pascagoula, Miss.; U.S. 90 Highway Bridge.
117.505 Old Fort Bayou, Miss.
117.535 Inner Harbor Navigation Canal, New Orleans, La.
117.540 Bridges in Louisiana where constant attendance is not required.
117.548 Sabine Lake, Tex., S-82 bridge.
117.550 Cedar Bayou, Tex., Missouri Pacific automated drawbridge.
117.552 Clear Creek, Tex., S-146 bridge.
117.553 Pelican Island Causeway drawbridge, Galveston, Tex.
117.554 Victoria Channel, mile 29.4 near Bloomington, Tex.
117.555 Mississippi River and its navigable tributaries and outlets, including the Atchafalaya River, La., above Grand Lake; bridges.
117.556 Arkansas and White Rivers, automated railroad bridges.
117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.
117.596 Missouri River; bridges.
117.604 Illinois River—Automated Burlington Northern Railroad Bridge at Beardstown, Ill.
117.605 Illinois Waterway, Ill.; bridges (highway and railroad) at Pekin, Peoria, and Joliet, Ill.
117.640 Red River of the North, Minn. and North Dakota; bridges.
117.640a Duluth-Superior Harbor, Minn. and Wis.; bridges (highway and railroad).
117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.
117.641a Waterways located in the Ninth Coast Guard District; seasonal operation of drawbridges.
117.642 Keweenaw Waterway, Mich.; Michigan State Highway Department bridge between Houghton and Hancock.
117.643 Fox River and Portage Canal, Wis.
117.644 East River, Wis.; Monroe Street bridge, Green Bay, Wis.
117.644a Ogden-First Street Bridge, Menominee River, Wis.
117.645 Sturgeon Bay, Wis.; bridges
117.650 Manitowoc River, Wis.; bridges.
117.652 Sheboygan River, Wis.; Eighth Street Bridge at Sheboygan, Wis.
117.655 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee, Wis.; bridges.

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117.660 Root River, Racine, Wis., Main Street and State Street bridges.
117.663 The Chicago River and its tributaries.
117.670 Calumet River, Ill. and Ind.; bridges.
117.676 Indiana Harbor Canal, Ind.; drawbridges.
117.680 Trail Creek, Ind.; The Michigan Central Railroad Co. bridge, Michigan City.
117.685 Grand River and the channel at the mouth of Spring Lake, Mich.; bridges.
117.690 Pine River, Charlevoix, Mich.; drawbridges.
117.692 Crooked River, Mich.; village of Alanson bridge in Alanson, Mich.
117.695 St. Marys Falls Canal, Mich.; International Bridge.
117.696 Cheboygan River, Cheboygan, Mich., U.S. 23 bridge.
117.697 Thunder Bay River, Mich.; city of Alpena bridge at Second Avenue.
117.700 Saginaw River, Mich.; bridges.
117.702 Black River, Port Huron, Mich.; bridges.
117.703 Pine River, Mich.; Michigan State Highway bridge at St. Clair.
117.705 Rouge River, Mich.; Short-Cut Canal and Rouge River between Short-Cut Canal and Maples Road; bridges.
117.705a Portage River, Ohio; the New York Central Railroad Co. bridge at Port Clinton, Mile 1.51.
117.705b Portage River, Ohio; Monroe Street Bridge, Port Clinton, Ohio.
117.706 Sandusky Bay, Ohio.
117.706a Ashtabula River, Ashtabula, Ohio, bridges.
117.707 Buffalo Harbor, N.Y.; city of Buffalo bridges across Buffalo River.
117.707a Niagara River; City of Buffalo Ferry Street Bridge across Black Rock Channel.
117.708 Niagara River; Canadian National Railway bridge (International Bridge) between Buffalo, N.Y., and Fort Erie, Ontario, Canada.
117.709 Genesee River, Rochester, N.Y., Stutson Street and Penn Central Railroad bridges.
117.710 Navigable waters of the United States within the State of California; bridges generally.
117.711 Cerritos Channel, Long Beach, Calif.
117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.
117.713 Minor tributaries of Suisun Bay, Calif.
117.714 San Joaquin River and its tributaries, Calif.
117.715 Georgiana Slough, Calif., drawbridges.

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117.716 Sacramento River and its tributaries, Calif.
117.718 Eureka Slough, near Eureka, Calif.
117.720 Coos Bay, Oreg.
117.725 Umpqua River, Oreg.
117.735 Nehalem River, Oregon Highway Bridge, Mile 6.5.
117.739 Umpqua River, Dean Creek, Little Nestucca River, and Skipanon River, Oreg.; bridges.
117.740 Young Bay, Lewis and Clark River, Skipanon River, Oreg.; bridges.
117.750 Willamette River at Portland, Oreg., Columbia River at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg.; bridges (highway and railroad): signals.
117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.
117.758 Skamokawa Creek, Wash.: Washington State Highway bridge at Skamokawa.
117.758a Columbia River, Vancouver, Wash.
117.759a Columbia River; Spokane, Portland, and Seattle Railway Co. bridge between Wishram, Wash., and Celilo, Oreg.
117.759b Drawbridges across navigable waters in Oregon where constant attendance is not required.
117.760 Columbia and Snake Rivers in vicinity of Pasco, Wash.; bridges.
117.761 Clearwater River at Lewiston, Idaho.
117.762 Snake River at Lewiston, Idaho, and Clarkstowm, Wash.
117.765 Cowlitz and Lewis Rivers, Wash.; bridges.
117.770 Willapa Harbor and navigable tributaries, Wash.; bridges.
117.775 Grays Harbor and tributaries, Washington; bridges.
117.776 State highway bridge across Chehalis River, Aberdeen, Wash.
117.784 Hood Canal, Wash.; Washington State Department of Highways bridge near Port Gamble.
117.785 Tacoma Harbor, Tacoma, Wash.; bridges.
117.790 Duwamish Waterway at Seattle, Wash.; bridges.
117.795 Lake Washington Ship Canal; bridges.
117.800 Lake Washington, Wash.; pontoon bridge between Seattle and Mercer Island, Wash.
117.801 Lake Washington, Wash.; pontoon bridge between Foster Island and Evergreen Point, Wash.
117.805 Snohomish River, Steamboat Slough, and Ebey Slough, Wash.; bridges.

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117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.
117.815 Pend Oreille River, Idaho; bridge of Northern Pacific Railway Co. near Sandpoint.
117.900 Honolulu Harbor, Hawaii; Kalihi Channel Bridge.

AUTHORITY: Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, March 31, 1967; 49 CFR 1.4(a)(3)(v); unless otherwise noted.

SOURCE: CGFR 67-46, 32 FR 17774, Dec. 12, 1967, unless otherwise noted.

### § 117.1 General.

(a) The operation of drawbridges, in the absence of specific regulations in this part, shall be as required by section 5 of the act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499). It shall be the duty of persons owning, operating, and tending drawbridges built across navigable waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Commandant the public interests require. Insofar as criminal liability on the part of the bridge owner is concerned, the Commandant is of the opinion that, in the absence of Federal regulations, there is no Federal authority requiring the opening of any drawbridge to which the General Bridge Act of March 23, 1906, does not apply. With reference to the civil liability of the bridge owner, however, it has been held that the duty to take proper care of a bridge includes the duty to make proper provision for the passage of vessels through the draw. In constructing a bridge with a draw, and in undertaking to open and manage the draw so as to allow vessels to pass, the owner has recognized the right of vessels to pass through without any appeal to the national authority to protect that right. Having thus recognized the rights of commerce, and undertaken to provide accommodations for the passage of vessels, the owner is bound that the custodians of the bridge shall use ordinary diligence to avoid accidents to vessels going through the draw at customary hours, and in the customary manner, as one of the incidents of the care, management, and control of the bridge itself. The owner is responsible, therefor, for the want of ordinary care and diligence in his servants, and for the consequent damage.

(b) The Attorney General has held (Jan. 28, 1899; 22 Opin. 314) that the first part of section 5 of the 1894 act is merely declaratory of the legal duty of the owners or operators which attaches to the maintenance and operation of a drawbridge across navigable waters. "It is the duty of all persons operating such drawbridges to open or cause them to be opened in a reasonable manner and at a reasonable time, consistent with the uses for which drawbridges are constructed, for the passage of vessels. The repair of such draws and of the bridges with which they are connected is also necessary for their maintenance. It is reasonable that a sufficient time should be allowed for such repairs and if they cannot be prosecuted without closing the bridge for a number of successive days, such closing cannot be considered an unreasonable interference with navigation." "It is entirely competent for the Secretary of the Army to make rules and regulations governing this subject, but in the absence of such rules and regulations the law is as I have above stated it." (The Commandant prescribes these rules and regulations.)

(c) Notwithstanding any general or special regulation heretofore or hereafter prescribed, drawbridges across navigable waters of the United States will not be opened to navigation for certain periods determined by the proper civil defense authorities to be in the interest of public safety during a major disaster or civil defense emergency indicated by a civil defense condition of "Air Raid Warning" (attack by enemy aircraft probable, imminent, or taking place).

(d) As used in this part, the term "long blast" means a distinct blast of a whistle, horn, siren, or other efficient sound producing device, of approximately three (3) seconds' duration. The term "blast" or "short blast" means a distinct blast of one (1) second's duration, or where specified, a distinct stroke of a bell.

(e) The Commandant may require the owner or operator to install and operate a radiotelephone station or stations of appropriate characteristics on a drawbridge when he finds that for navigation or safety it is essential that in addition to the use of sound or visual signals prescribed a supplemental means be available by which vessels may communicate to confirm requests for opening of the draw as well as exchange information with the drawtender concerning the condition of the draw or governing its operation.

(1) The Commandant's determination is based on such factors as location and navigational clearance of the particular bridge, character and volume of marine traffic, configuration of the navigational channel, restrictions in channel approaches, currents in the approaches to or through the drawbridge, obstructions and conditions limiting visibility, and similar conditions affecting navigation or safety through or in the vicinity of the drawbridge.

(2) Each station shall be subject to the rules and regulations of the Federal Communications Commission or the Director of Telecommunications Management as applicable governing the assignment of operating frequencies, licensing, and operation of radiotelephone stations.

(3) When the Commandant proposes that a radiotelephone station, or stations, be installed and operated on a specific drawbridge, he gives written notice of the proposed requirement to the bridge owner (or operator as appropriate) who shall have 30 days in which to submit comments or objections to the proposal. If the Commandant determines that such installation is necessary, the bridge owner (or operator) shall have a reasonable time, but normally not more than 6 months, in which to effect installation and commence operation.

(4) Radiotelephone communications pursuant to this section supplement the sound and visual signals prescribed elsewhere in this part for the operation of drawbridges in general or for specific bridges and do not alter any obligation with respect to their use.

The provisions of this section are not intended to restrict the voluntary installation and operation of radiotelephone stations on drawbridges.

(Sec. 4, 34 Stat. 85, as amended, sec. 85, 63 Stat. 501, sec. 633, 63 Stat. 545, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 494, 14 U.S.C. 85, 633)

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-49, 35 FR 13734, Aug. 28, 1970]

### § 117.1a Temporary departures from regulations in this part.

(a) *Temporary closures of drawbridges.* Notwithstanding any general or special regulation in this part, heretofore or hereafter prescribed, a specific drawbridge across navigable waters of the United States need not be open to navigation for specified periods of time when such a bridge may be undergoing repairs or maintenance work or when the public interest, health, or safety so requires.

(b) *Delegation to District Commanders.* The Commandant further delegates pursuant to 49 CFR 1.4(g) to District Commanders authority to place in effect the provisions of paragraph (a) of this section with respect to drawbridges in their respective Coast Guard Districts for periods of time determined to be necessary but in no event to exceed 60 consecutive calendar days. For a specific drawbridge the District Commander having jurisdiction may suspend any drawbridge operation regulations applicable thereto and if necessary establish other operational requirements without prior notice and public procedures thereon for such actions. Where practicable, notice of the District Commander's actions taken pursuant to this section shall be disseminated in Notices to Mariners, or otherwise, for the information of all concerned.

(c) *Closure for repairs or maintenance.* (1) When a draw must be closed for scheduled repairs or maintenance work, approval of the District Commander should be obtained at least 10 days prior to the date of the intended closure by the owners of or the agency controlling the drawbridge. The request for approval of the proposed closure shall include a brief description of the nature of the work to be performed and the times and dates of such closure. The granting of the approval will depend upon the necessity for the closure, the reasonableness of the time(s) and date(s) requested, and the overall effect on navigation.

(2) When a draw is closed for repairs in case of emergency or damage to the structure or for vital maintenance that may not be delayed, the owners of or the agency controlling the drawbridge shall immediately inform the District Commander concerned of the closure, the reasons for the closure, and the expected completion date of the emergency repairs. Normally, the extension of any period of emergency closure to include the accomplishment of routine maintenance or for other nonemergency purposes will not be authorized.

(d) *Closure for public interest, health, and safety.* In situations where the public interest, health, or safety so requires, including the holding of public functions or events such as street parades and marine regattas, the District Commander may authorize the temporary closure of a drawbridge. A request for approval of a temporary closure of a drawbridge for a street parade or marine regatta or otherwise should include a brief description of the proposed event or reason why closure of the drawbridge is desired, and the time and date of such closure. The closure of a drawbridge for public interest, health, or safety will depend upon the necessity for the closure, the reasonableness of the time and date (if requested), and the overall effect on navigation.

(e) *Closure of draw for emergency vehicles.* When a drawtender is informed by a reliable source that an emergency vehicle is due to cross the draw, he shall take all reasonable measures necessary to have the draw closed at the time the emergency vehicle arrives at the bridge.

[CGFR 68-131, 33 FR 18154, Dec. 6, 1968, as amended by CGFR 70-48a, 35 FR 12720, Aug. 11, 1970; CGFR 70-128, 35 FR 15923, Oct. 9, 1970; CGD 75-046, 40 FR 24898, June 11, 1975]

### § 117.2 Machias River, Maine; East Machias Highway bridge between Machiasport and East Machias, Maine.

(a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 7:00 a.m. and 5:00 p.m. (local time) throughout the year.

(b) At times other than those specified in paragraph (a) of this section, the draw need not be opened for the passage of vessels, except on advance notice to the drawtender to be given between the hours of 7:00 a.m. and 5:00 p.m. when the drawtender is on duty.

(c) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section.

### § 117.2a Narraguagus River, Maine; Maine State Highway Commission bridge across Narraguagus River, Milbridge, Maine.

(a) The owner of or agency controlling the drawbridge will not be required to keep a drawtender in constant attendance.

(b) Whenever a vessel desires an opening of the drawspan at least a 24-hour advance notice of the time the opening is required shall be given in person, in writing, or by telephone to the Maine State Highway Commission, Division Office, Ellsworth, Maine.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative stated in paragraph (b) of this section may be reached.

### § 117.3 Taunton River, Maine; Maine State Highway Commission highway bridge between Hancock and Sullivan.

(a) The owner of or agency controlling this bridge will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 48 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge, except as provided in paragraph (c) of this section. Advance notice as required by this paragraph shall be given either in person, by telephone, or otherwise to the Maine State Highway Commission, Augusta, Maine, or Ellsworth, Maine, or to such person or persons as may be designated an authorized representative.

(c) In case of emergency, the draw shall be opened promptly upon notification. For this purpose the owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be readily reached by telephone or otherwise at any hour of the day or night.

(d) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw, at the time specified in the notice for the passage of the vessel.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the draw tender may be reached in an emergency and how the authorized representative may be reached by telephone or otherwise.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

### § 117.5 Townsend Gut, Maine; bridge (highway) of town of Southport.

(a) That the draw of the bridge shall be opened promptly upon reasonable signal for the passage of boats except when there are vehicles, animals, or foot passengers on the bridge; but in no case shall the delay in opening the bridge from this cause exceed five minutes: *Provided*, That the signal may be given by three distinct blasts of whistle, horn, or conch, or by shouting with the voice.

(b) All boats desiring to pass through the draw shall be allowed to do so freely and without interference at a speed not exceeding 5 knots per hour.

### § 117.5a Sheepscot River, Maine; Maine State Highway Commission bridge, mile 14 and Maine Central railroad bridge, mile 15.

From June 1 through September 30 the draw of each bridge shall open on signal if at least 4 hours' notice has been given to the owner of the bridge to be opened. From October 1 through May 31 the draw of each bridge shall open on signal if at least 24 hours' notice has been given to the owner of the bridge to be opened.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 72-42a, 37 FR 10074, May 19, 1972]

### § 117.6 Back River, Maine; highway bridge between Hodgdon and Barter Islands in the town of Boothbay, Maine.

(a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 8:00 a.m. and 5:00 p.m. (local time) during the months of June to October, inclusive. At other hours during these months the draw need not be opened for the passage of vessels except on previous notice in person, by telephone, or in writing to the drawtender. Such previous notice to be received during the hours the drawtender is on duty.

(b) From November to May, inclusive, the draw need not be opened for the passage of vessels any hour of the day or night except on a 24-hour advance notice to the drawtender of the bridge over Townsend Gut between Southport and Boothbay Harbor, Maine, or to the Maine State Highway Commission, Augusta, Maine.

(c) Upon receipt of such notice, the authorized representatives of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative stated in paragraph (b) of this section may be reached.

### § 117.8 Kennebec River, highway and railroad bridge, between Bath and Woolwich.

(a) The draw shall be opened promptly on signal provided that:

(1) From February 15 through April 14 and November 16 through December 15 at least 4 hours' advance notice has been given.

(2) From April 15 through June 15 and October 1 through November 15 at least 4 hours' advance notice has been given from 7 p.m. to 3 a.m.

(3) From December 16 through February 14 at least 24 hours' advance notice has been given.

(b) Signals:

(1) *Sound signals.* Sound signals shall be used if weather conditions will permit sound signals to be heard by the drawtender or by the vessel operator. A long blast shall be of approximately 3 seconds duration and a short blast shall be of approximately 1 second duration. These blasts may be made by a whistle, horn, or by other similar device producing sound that can be clearly heard, or by a bell. In appropriate circumstances, shouting through a megaphone may be employed instead of sounding these signals.

(i) *Signal to request opening of draw.* One long blast followed by one short blast.

(ii) *Acknowledging signal by the drawtenders.* (*a*) When the draw will be opened immediately. One long blast followed by one short blast.

(*b*) When the draw cannot be opened immediately or is open and must be closed immediately. Four or more short blasts, shall be sounded in rapid succession, repeated at regular intervals until acknowledged by the same signal from the vessel. As soon as the draw can be opened the drawtender shall sound the opening signal and open the draw for any vessels waiting to pass.

(2) *Visual signals.* These signals shall be used if weather conditions may prevent sound signals from being heard or if sound producing devices are not properly functioning. Sound signals may be used in conjunction with visual signals.

(i) *Signal to request opening of draw.* A white flag of sufficient size to be readily visible by day or a white light of sufficient intensity to be readily visible by night, raised and lowered vertically in full sight of the drawtender repeated until acknowledged by the drawtender. Mechanical devices which produce essentially the same signal using fixed and/or flashing lights are permitted.

(ii) *Acknowledging signal by the drawtender.* (*a*) When the draw will be opened immediately. Same as signal to request opening.

(*b*) When the draw cannot be opened immediately or is open and must be closed immediately. A red flag of sufficient size to be readily visible by day or a red light of sufficient intensity to be readily visible by night, swung back and forth horizontally in full sight of the vessel, repeated until acknowledged by the vessel with the same signal. Mechanical devices which produce essentially the same signal using fixed and/or flashing lights are permitted. As soon as the draw can be opened, the drawtender shall give the opening signal and open the draw for any vessels waiting to pass.

(*c*) Unnecessary delays prohibited. Trains, vehicles, or pedestrians shall not stop or be stopped on a drawbridge so as to delay its opening, nor shall vessels be navigated so as to hinder or delay the closure of the draw. All passages across or through a drawbridge shall be prompt to prevent delay to either land or water traffic. Passage through a draw shall be made at no greater speed than that required to maintain reasonable control of a vessel as to minimize damage to the bridge, fenders, and/or vessel in case of collision.

(*d*) Posting of special operation regulations. The owners of or agencies controlling the drawbridge shall keep conspicuously posted both upstream and downstream of the drawbridge, on the bridge or elsewhere, in such a manner that they can easily be read at any time, from an approaching vessel, a brief statement of the special operation regulations pertaining to that bridge. Information as to whom and how notice should be given when passage through the draw is desired shall also be posted.

[CGFR 70-25a, 36 FR 4382, Mar. 5, 1971]

### § 117.10 Kennebec River, Maine; Maine State Highway Commission bridges between Richmond and Dresden and between Gardiner and Randolph.

(a) The owner of or agency controlling these bridges shall provide the necessary draw tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) The draw of each bridge shall, upon receiving the prescribed call signal, be opened promptly at any time, day or night, for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided,* That the draw shall not be required to be opened between 9:00 p.m. and 5:00 a.m. except when advance notice of the time an opening is desired is given to the draw tender in person or by telephone or letter. The owner of or agency controlling the bridges shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any time between 5:00 a.m. and 9:00 p.m. Notices stating exactly how the draw tender may be reached shall be posted in the same manner as the copies of the regulations posted in accordance with paragraph (e) of this section.

(c) Sound and visual signals: Both sound and visual signals shall be given together under any weather conditions and whether sound signals can or cannot be heard.

(1) *Call signal for opening of draw.* Three blasts, and a flag by day or a lighted lantern by night swung in circles at arm's length from the bridge or pilot house of the vessel. The call signal shall be given when the vessel is within a reasonable distance of the bridge, and shall be repeated at intervals until acknowledged.

(2) *Acknowledging signals when draw can be opened immediately.* Three blasts, and a flag by day or a lighted lantern at night raised and lowered in vertical plane a number of times.

(3) *Acknowledging signals when draw cannot be opened immediately.* Five blasts, and a flag by day or a lighted lantern at night swung to and fro horizontally a number of times.

NOTE: As used in this paragraph, the term "blasts" means distinct blasts of a whistle, horn, or megaphone, or loud and distinct stroke of a bell.

(d) Vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(e) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of each, in such manner that it can be read easily at any time, a copy of the regulations in this section.

### § 117.15 Presumpscot River, Portland, Maine; highway bridge at Martin Point.

From June 1 through September 30, Monday through Friday, except holidays, from 7 a.m. to 6 p.m., the draw shall open on signal if at least six hours notice is given. At all other times the draw shall open on signal if at least 24 hours notice is given. The opening signal is one long blast followed by one short blast.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 76-135, 41 FR 48516, Nov. 4, 1976]

### § 117.20 Back Cove, Portland, Maine; Canadian National Railway bridge.

(a) The draw need not open for the passage of vessels unless at least 24 hours notice is given. However, in an emergency the draw shall open as soon as possible.

(b) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream side of the bridge in a position where it can be read easily at any time, a copy of the regulations of this section together with a notice stating how notice may be given.

(c) The signal for an opening of the draw shall be one long blast followed by one short blast of a whistle or horn.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 77-194, 44 FR 23218, Apr. 19, 1979]

### § 117.25 Fore River, Portland Harbor, Maine; bridge (highway), known as "Portland Bridge".

(a) The owner of or agency controlling the drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) If the weather conditions are good and sound signals can be heard when a vessel approaches the drawbridge and desires to pass through the draw, three distinct blasts of a whistle, horn, or megaphone shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by three distinct blasts of a whistle, horn, or megaphone or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn or megaphone or by two loud and distinct strokes of a bell.

(c) When weather conditions prevent hearing the sound signals when a vessel approaches the drawbridge and desires to pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length a lighted lantern at night and a flag by day.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in a vertical plane a number of times a lighted lantern at night and a flag by day.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is to be closed imme-

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diately, the draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(d) When two or more vessels are approaching the drawbridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw and the draw tender shall reply as prescribed and in turn to the signal of each vessel.

(e) The draw shall be opened with the least possible delay at all hours upon receiving the prescribed signal for the passage of any vessel or vessels or other water craft not able to pass underneath it.

(f) When a bridge tender is about to close a draw, he shall sound two distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell.

(g) Wagons and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall water craft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(h) The owners of or agency controlling the drawbridge shall provide and keep in good legible condition two board gages painted white, with black figures not less than 6 inches high, to indicate the headroom clearance under the lower chords of the closed drawspan at all stages of the tide. The gages shall be so placed on the ends of the drawspan fender that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream, and the said gages shall be illuminated at night.

(1) Vessels which can pass under the drawbridge with a clearance of 2 feet or more should not signal for the opening of the draw. In case such a vessel gives the prescribed signal and the draw tender is uncertain as to whether the vessel can safely pass, he will open the draw and if he finds that there would have been a clearance of 2 feet or more had the draw remained closed, he will report the matter immediately to the District Commander giving the name of the vessel, the time of opening the draw, the headroom under the bridge as indicated by the gage at the time of opening the draw, and the approximate headroom required by the vessel.

### § 117.28 Kennebunk River, Maine Dock Square Highway Bridge between Kennebunk and Kennebunkport, Maine.

(a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 7:00 a.m. and 5:00 p.m. (local time) on all days of the year.

(b) At times other than those specified in paragraph (a) of this section, the draw need not be opened for the passage of vessels except on advance notice to the drawtender to be given between the hours of 7:00 a.m. and 5:00 p.m. when the drawtender is on duty.

(c) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section.

### § 117.35 Piscataqua River, Maine and N.H.

(a) *Bridge (highway) between Portsmouth, N.H., and Kittery, Maine.* (1) The draw shall, upon the signals prescribed in paragraphs (a) (2) and (3) of this section being given, be opened promptly at all hours for the passage of any vessel or vessels or other watercraft not able to pass underneath it.

(2) The signal for opening the draw shall be four blasts of a whistle or horn.

(3) Upon receiving the prescribed signal from an approaching vessel or watercraft, the draw tender, in case the draw can be opened immediately, shall promptly reply by an answering signal of three blasts of a whistle or horn. If, for any reason, the draw cannot be opened promptly when the prescribed signal is given, the draw tender shall so indicate by sounding five blasts of a whistle or horn, repeated at intervals until answered in like manner by the approaching vessel.

(4) There shall be provided, and kept in good legible condition, two board gages, painted white, with black fig-

ures not less than 6 inches high, to indicate the headroom clearance under the lower chords of the closed drawspan at all stages of the tide. The gages shall be so placed on the piers at the ends of the drawspan, that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream.

(5) Pedestrians and vehicles shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(b) *Bridge (combined highway and railroad) between Portsmouth, N.H., and Kittery, Maine.* (1) The corporation or persons owning or controlling this drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and sound signals can be heard when a vessel approaches this drawbridge and desires to pass through the draw, two long and two short distance blasts of a whistle, horn, or megaphone shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(i) When the draw of the bridge can be opened immediately, the draw tender shall reply by two long distinct blasts of a whistle, siren, horn, or megaphone or by two loud and distinct strokes of a bell.

(ii) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by five short distinct blasts of a whistle, siren, horn, or megaphone or by five loud and distinct strokes of a bell, repeated at intervals until answered in like manner from the approaching vessel.

(3) When weather conditions prevent hearing the sound signals when a vessel approaches this drawbridge and desires to pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length, a lighted lantern at night and a flag by day.

(i) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in a vertical plane a number of times, a lighted lantern at night and a flag by day.

(ii) When the draw of the bridge cannot be opened immediately or when the bridge is to be closed immediately, the draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(4) When two or more vessels are approaching this bridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw, and the draw tender shall reply as prescribed and in turn to the signal of each vessel.

(5) The draw shall be opened with the least possible delay at all hours upon receiving the prescribed signal for the passage of any vessel or vessels or other watercraft not able to pass underneath it: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the railroad signal block in which the drawspan of the bridge is located.

(6) When the draw tender is about to close the draw, he shall sound one distinct blast of a whistle, siren, horn or megaphone, or one loud and distinct stroke of a bell.

(7) Trains and vehicles shall not be stopped or pedestrians loiter on this drawbridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspan, but all passage over, through, or under it shall be prompt, to prevent delay to either land or water traffic.

(8) The owners of this bridge shall provide and keep in good legible condition two suitable gages approved by the Commandant, to indicate the headroom clearance under the lower chords of the closed drawspan at all stages of the tide. These gages shall be so placed on the piers at the ends of the drawspan that they will be plainly visible to the operator of a vessel ap-

proaching the bridge either upstream or downstream.

### § 117.40 Bellamy River, N.H.; bridge (highway) between Cedar Point and Dover Point, N.H.

(a) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance at the bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 6:00 a.m. and 10:00 p.m., from April 1 to October 31, at least 4 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge: *Provided*, That in an emergency the draw will be opened as soon as possible after notification. At all other hours during the period April 1 to October 31 and at all times during the period November 1 to March 31, the draw will be opened only in an emergency. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any hour of the day or night.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Automobiles, trucks, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be in a manner to expedite both land and water traffic.

(f) The operating machinery of the draw shall be maintained in serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

### § 117.48 Little Harbor, N.H.; bridge (highway) between Rye and New Castle, N.H.

(a) The owner or agency controlling the bridge will not be required to keep draw tenders in constant attendance at the bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 6:00 a.m. and 10:00 p.m., from April 1 to October 31, at least 4 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge: *Provided*, That in an emergency the draw will be opened as soon as possible after notification. At all other hours during the period April 1 to October 31 and at all times during the period November 1 to March 31, the draw will be opened only in an emergency. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any hour of the day or night.

(c) Upon receipt of such notice, the authorized representative of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of the regulations of this section, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Automobiles, trucks, vehicles, vessels, or other watercraft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be in a manner to expedite both land and water traffic.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.50 Hampton River, N.H.; bridge (highway) between Seabrook and Hampton Beaches, N.H.**

(a) The owner of or the agency controlling the drawbridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) The draw shall be operated as prescribed in paragraphs (c) and (d) of this section and shall be opened promptly when the signal prescribed in paragraph (i) of this section for the opening of the draw is received.

(c) On all week days between April 1 and October 31, both dates inclusive, the draw shall be opened promptly for the passage of vessels during the daylight portions of the periods beginning 3 hours before and ending 3 hours after each high water. For the purpose of this section, daylight is construed to begin 30 minutes before sunrise and to end 30 minutes after sunset, and high water shall be deemed to occur 30 minutes later than the time of high water for Portland, Me., as given in the tide tables for the United States published by the Department of Commerce, United States Coast and Geodetic Survey.

(d) At times other than those specified in paragraph (c) of this section, the draw shall be opened only upon at least 3 hours' previous notice given in person or in writing or by telephone to the representative of the owner or agency controlling the bridge except that in case of emergency the draw shall be opened promptly upon such notice. For this purpose the owner shall install and maintain at the bridge a telephone and shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of the regulations in this section together with a notice stating exactly how the representative specified in this section may be reached.

(e) The owners of the bridge shall provide and keep in good legible condition two board gages painted white, with black figures not less than 6 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on the bridge that they will be plainly visible to the operator of a vessel approaching the bridge either up or down stream.

(f) Vessels which can pass under the bridge with a clearance of 1 foot or more should not signal for the opening of the draw. In case such a vessel gives the prescribed signal and the draw tender is uncertain as to whether the vessel can safely pass, he will open the draw and if he finds that there would have been a clearance of 1 foot or more had the draw remained closed, he will report the matter immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the headroom under the bridge as indicated by the gage at the time of opening the draw, and the approximate headroom required by the vessel.

(g) Pilots or masters of vessels are prohibited from signaling for or serving notice of passage unless it is necessary for the draw to be opened for the passage of the vessel. If notice or signal is given and the passage not effected at the proper time, report shall be made to the District Commander, by the draw tender.

(h) Automobiles, trucks, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the drawspan or through the draw opening shall be in a manner so as to expedite both land and water traffic.

(i) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signal.* Three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signal.* A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw. This signal is to be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone or by two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or if open must be closed immediately: A red flag by day, a red light by night swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, will acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

**§ 117.55 Merrimack River, Mass.**

(a) *Massachusetts Department of Public Works highway bridge and Boston and Maine Railroad bridge between Newburyport and Salisbury.* (1) Between 6:00 a.m. and 10:00 p.m. from May to October, inclusive, and between 8:00 a.m., and 5:00 p.m. from November to April, inclusive, the draw of each of these bridges shall, upon receipt of the signal prescribed in paragraph (a)(5) of this section or upon verbal request at the bridge, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed draw.

(2) At all other times, the draw shall be opened within a reasonable time after notice to the draw tender in person, by letter, or by telephone. For this purpose the owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be reached readily by telephone or otherwise at any hour of the day or night, and shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be read easily at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the draw tender may be reached at all times by telephone or otherwise.

(3) The draw shall not be opened if there is a train, car, or other vehicle passing over the draw, or if a train or car is approaching so closely that it cannot be stopped safely before reaching the draw, but the draw shall be opened as soon as it can be cleared, and no person, vehicle, car, or train shall be permitted to begin to cross the draw after it has been signaled to open except as provided in this paragraph.

(4) When the draw shall have been opened for 10 minutes it may be closed for the crossing of trains, cars, vehicles, or individuals if there be any waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the said trains, cars, vehicles, or individuals to cross, it shall again be opened promptly for the passage of any vessel or other watercraft desiring to pass. The length of time that the draw has been open shall be computed from the time it is fully opened, and the length of time that the draw has been closed shall be computed from the time it ceases to move in closing.

(5) When a vessel or other watercraft intends to pass through the draw of either bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding two long blasts followed immediately by two short blasts. If the draw can be opened immediately, the draw tender shall reply by three long blasts. If a delay in opening the draw is permitted by the regulations in this paragraph and it is not to be opened immediately, the draw tender shall reply by two long blasts.

(6) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through the bridge

shall be prompt to prevent delay to either land or water traffic.

(7) The owner of or agency controlling each bridge shall maintain in good and efficient order the draw and the machinery and appliances for operating the same and for assisting vessels while passing through the draw, shall provide such draw tenders as may be necessary to open and close the draw promptly, and shall provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draw to open.

(8) This paragraph shall not apply to vessels owned or leased by the United States, nor to vessels employed for police or fire protection by any town or municipality touching on the Merrimack River. All such United States and municipal vessels shall be passed without delay through the draw of either bridge during the periods specified in paragraph (a)(1) of this section upon signaling by four long blasts, and at all other times as soon as possible after notice to the draw tender in person or by telephone.

(b) *Essex County highway bridge between Deer Island and Salisbury and drawbridges upstream therefrom.* (1) The owner of or agencies controlling these bridges will not be required to keep draw tenders in constant attendance.

(2) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, at least two hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge: *Provided*, That all vessels owned or leased by the United States, and all vessels employed for police or fire protection by any town or municipality touching on the Merrimack River, shall be passed through the draw as soon as possible after notice to the authorized representative in person or by telephone.

(3) Upon receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(4) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the authorized representative may be reached.

(5) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation

### § 117.60 Plum Island River, Mass.; bridge (highway).

(a) The owner of or the agency controlling the drawbridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) On every calendar day between April 1 and November 30, both dates inclusive, the draw shall be opened promptly for the passage of vessels during the daylight portions of the periods beginning 2 hours before and ending 2 hours after each high tide. For the purpose of this section, daylight is construed to begin 30 minutes before sunrise and to end 30 minutes after sunset, and high tide shall be deemed to occur 30 minutes later than the time of high tide for Portland, Maine, as given in the tide tables for the United States published by the Department of Commerce, United States Coast and Geodetic Survey.

(c) Persons requiring the opening of the draw at times other than those specified in paragraph (b) of this section shall, except in an emergency, give at least 3 hours' notice of the time at which such opening will be required. Said notice may be given in person, in writing, or by telephone to the draw tender while in attendance at the bridge or to a designated representative of the owner or agency controlling the bridge. Upon receipt of such notice said owner or agency shall cause a suitable draw tender to be on duty at the bridge at the time specified in the notice, and the bridge shall at such time and for a reasonable period thereafter be opened promptly for the passage of vessels.

(d) The owner of or agency controlling the bridge shall install and maintain at the bridge a telephone and shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of the regulations in this section together with a notice stating exactly how the representative specified in this section may be reached.

(e) The owners of the bridge shall provide and keep in good legible condition two board gages painted white, with black figures not less than 6 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on the bridge that they will be plainly visible to the operator of a vessel approaching the bridge either up or down stream.

(f) Vessels which can pass under the bridge with a clearance of 1 foot or more should not signal for the opening of the draw. In case such a vessel gives the prescribed signal and the draw tender is uncertain as to whether the vessel can safely pass, he will open the draw, and if he finds that there would have been a clearance of 1 foot or more had the draw remained closed, he will report the matter immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the headroom under the bridge as indicated by the gage at the time of opening the draw, and the approximate headroom required by the vessel.

(g) Pilots or masters of vessels are prohibited from signaling for or serving notice of passage unless it is necessary for the draw to be opened for the passage of the vessel. If notice or signal is given and the passage not effected at the proper time, report shall be made to the District Commander, by the draw tender.

(h) Automobiles, trucks, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the drawspan or through the draw opening shall be in a manner so as to expedite both land and water traffic.

(i) *Signals*—(1) *Call signals for opening draw*—(i) *Sound signal.* Three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signal.* A white flag by day a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw. This signal is to be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone or by two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or if open must be closed immediately: A red flag by day, a red light by night swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if opened must be closed immediately, will acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

### § 117.61 Manchester Harbor, Mass.; Boston and Maine Railroad Bridge at Manchester.

(a) The draw shall be opened promptly on signal for the passage of vessels from 9:00 a.m. to 1:00 p.m. and from 2:00 p.m. to 6:00 p.m. (local time) each day of the week from April 1 to November 1, inclusive.

(b) At times other than those speci-
ied in paragraph (a) of this section,
dvance notice of at least 2 hours is re-
uired for opening the draw between
he hours of 6:45 a.m. and 3:45 p.m.,
nd 5 hours for opening at times other
han specified above. The notice is to
e given to the Chief Dispatcher,
Boston and Maine Railroad, Boston,
Massachusetts.

(c) The owner of or agency control-
ing the bridge shall keep conspicuous-
y posted on both the upstream and
ownstream sides thereof in such
manner that it can easily be read at
ny time, a copy of the regulations in
his section together with a notice
tating exactly how the representative
n paragraph (b) of this section may
e reached.

### 117.65 Danvers River, Mass.: bridges (highway and railroad).

(a) The corporations or persons
wning or controlling the bridge shall
rovide the same with the necessary
enders and proper mechanical appli-
nces for the safe, prompt, and effi-
ient opening of the draw for the pas-
age of vessels.

(b) The draw of each of the bridges
hall, upon the signal prescribed in
aragraphs (d) and (e) of this section
eing given, be opened promptly for
he passage of vessels from 8:00 a.m. to
2:00 midnight each day of the year.

(c) Between 12:00 midnight and 8:00
.m. each day of the year, the bridges
hall be opened on advanced notice in
erson, or in writing, or by telephone
o the draw tenders, either at the
ridges during the time the operators
re on duty or at the residences there-
fter, except that in case of emergen-
y, the draw shall be opened promptly
upon notification. For this purpose,
he bridge owners shall install and
maintain telephones at the bridges
nd provide arrangements whereby
he draw tenders can be reached by
elephone or otherwise at any hour of
he day or night, and notice of such
rrangements shall be conspicuously
osted on the bridges.

(d) If weather conditions are good
nd sound signals can be heard when a
essel approaches a drawbridge and
esires to pass through the draw, the
erson in charge of said vessel shall cause to be sounded, within reasonable hearing distance of the bridge, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by three distinct blasts of a whistle, horn, or megaphone, or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone, or by two loud and distinct strokes of a bell.

(e) When weather conditions prevent hearing the sound signals, signals shall be made from the vessel by swinging in circles at arm's length a flag.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in vertical plane a number of times a flag.

(2) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging to and fro horizontally a number of times a flag.

(f) The draw shall be opened with the least possible delay upon receiving the prescribed signals: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(g) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

### § 117.75 Boston Harbor, Mass., and adjacent waters; bridges.

(a) The regulations in this section shall govern the operation of all drawbridges across Boston Harbor, Massachusetts, including the following waters in and adjacent thereto:

(1) Chelsea River.

(2) Mystic River.

(3) Malden River (excluding the Massachusetts Department of Public Works highway bridge at Medford Street, Malden).

(4) Little Mystic Channel.

(5) Charles River and tributaries.

(6) Fort Point Channel (excluding therefrom the portion of Fort Point Channel lying above the easterly side of the highway bridge at Dorchester Avenue).

(7) Reserved Channel.

(8) Neponset River.

(9) Weymouth Fore River.

(10) Weymouth Back River.

(b) The owners of or agencies controlling the bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels and for assisting vessels while passing through the draws. They shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draws to open.

(c) Except as otherwise provided in paragraphs (g) to (m) of this section, the draw of each bridge shall, upon oral request or upon receiving the prescribed call signal, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided*, That the draw shall not be opened when a train or vehicle is approaching so closely that it cannot safely be stopped before reaching the draw: *Provided further*, That when any draw shall have been open for 10 minutes or longer it may be closed to permit any waiting trains, vehicles, or persons to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary it shall again be opened promptly for the passage of vessels or other watercraft if there be any such desiring to pass.

NOTE: The length of time a draw has been open shall be computed from the time that the draw begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the draw ceases to move in closing.

(d) *Signals*—(1) *Call signal for opening of draw.* Two long blasts followed immediately by two short blasts, sounded within signaling distance of the bridge: *Provided*, That the call signal for the City of Boston bridge across Chelsea River connecting Meridian Street, East Boston, and Pearl Street, Chelsea, shall be two long blasts followed immediately by two short blasts and one long blast: *Provided further*, That the call signal for those bridges across Mystic River, Charles River, and Fort Point Channel referred to in paragraphs (g), (h), and (i) of this section to be given by vessels entitled to passage during closed periods under the provisions of paragraphs (f) to (i), inclusive, of this section, shall be four long blasts.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Three long blasts.

(ii) *When draw cannot be opened immediately.* Two long blasts.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) to (m) of this section prescribed where local conditions require to govern the operation of certain bridges. The special regulations shall not apply to vessels owned or controlled by the United States Government or to vessels employed by the City of Boston or other municipality for police and fire protection. All such United States and municipal vessels shall be passed without delay through the draws of all bridges at any hour day or night.

(g) *Mystic River*—(1) *Bridges from mouth to and including Wellington bridge between Somerville and Medford.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:45 and 9:00 a.m., 9:10 and 10:00 a.m., and 5:00 and 6:00 p.m., except on Sundays and on legal holidays observed in the locality: *Provided*, That any vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Metropolitan District Commission highway bridge (General Lawrence Bridge) opposite Harvard Street, Medford.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f) of this section shall not apply to this bridge.

(3) *Wellington Bridge between Somerville and Medford.* The draw need not open for the passage of vessels, and paragraphs (b) to (f) of this section shall not apply to this bridge.

(h) *Charles River*—(1) *Bridges from mouth to and including Metropolitan District Commission Bridge at Charles River Dam.* The draws of all bridges, except the Charlestown Bridge and the Metropolitan Transit Authority Bridge, from the mouth to and including the Metropolitan District Commission bridge between Boston and Cambridge (at Charles River Dam) shall not be required to be opened for the passage of vessels between 6:15 and 9:10 a.m., and 4:15 and 7:40 p.m., except on Sundays and on legal holidays observed in the locality: *Provided*, That when high tide at Charlestown Navy Yard occurs between 6:15 and 9:10 a.m., the draws shall be opened within 45 minutes before or after high tide for a period of 10 minutes for the passage of all vessels or other watercraft whose draft is 12 feet or over if there be any such desiring to pass, the exact time of opening to be prescribed by the railroad companies, due regard being had for causing minimum interference with railroad schedules, highway traffic, and the interests of navigation, and the opening time of each bridge to be so fixed as to permit continuous passage through the next and following bridges located in direction of course of the vessels or other watercraft.

(2) *Charlestown Bridge.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f), of this section shall not apply to this bridge.

(3) *Metropolitan Transit Authority (East Cambridge Viaduct) Bridge.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f), of this section, shall not apply to this bridge. However, the operating machinery of the draw shall be maintained in an operable condition.

(4) *Lechmere Canal, Commercial Avenue Bridge.* The draw need not open for the passage of vessels and paragraphs (b) through (f) of this section shall not apply to this bridge.

(5) *Broad Canal, Cambridge, First Street Bridge.* From October 1 through May 31, the draw shall open on signal, except that the draw need not open for the passage of vessels from 7:30 a.m. to 9 a.m., and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or legal holidays observed in the locality. From June 1 through September 30 the draw shall open on signal if at least 12 hours notice is given.

NOTE: The temporary special regulations contained in paragraphs (i) and (j) are on a trial basis and are subject to review and amendment at any time by the U.S. Coast Guard.

(i) *Fort Point Channel, city of Boston highway bridges.* (1) The draw of the Summer and Congress Street bridges need not open for the passage of vessels and paragraphs (b) through (e) of this section do not apply to these bridges. However, the draws shall be returned to an operable condition within 6 months after notification from the Commandant to take such action.

(2) From 6 a.m. to 8 p.m. the Northern Street bridge draw shall open on signal, except that it need not open from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., Monday through Friday, excluding legal holidays for the passage of vessels whose draft is less than 18 feet. From 8 p.m. to 6 a.m. the draw need not open for the passage of vessels.

(j) *Reserved Channel.* The draw of the Summer (L) Street Bridge shall not be required to be opened for the passage of vessels between 4:00 p.m. and 9:30 a.m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1, the draw shall not be required to open for the passage of vessels before 9:30 a.m. and after 4:00 p.m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31, the draw shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

(k) *Dorchester Bay (William T. Morrissey Boulevard) Bridge.* From April 16 through October 14, the draw shall open on signal, except that the draw need not open for the passage of vessels from 7:30 a.m. to 9 a.m., and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or legal holidays observed in the locality. From October 15 through April 15, the draw shall open on signal if at least 24 hours notice is given.

(l) *Neponset River.* (1) Granite Avenue Bridge:

(i) From May 1 through October 31 the draw shall open on signal.

(ii) From November 1 through April 30 from 8 a.m. to 4 p.m. the draw shall open on signal.

(iii) From November 1 through April 30 from 4 p.m. to 8 a.m. the draw shall open on signal if at least 24 hours' notice has been given.

(2) The 24-hour advance notice will not apply to vessels owned or operated by the United States nor to vessels employed for police and fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owner or agency operating the bridge shall, upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(3) The owners of or agency controlling the bridge shall post the drawbridge regulations and the procedures for giving advance notice on the upstream and downstream sides of the bridge or elsewhere in such a manner that they can read from an approaching vessel.

(m) *Weymouth Fore River.* State Route 3A between Quincy Point and Weymouth. The draw shall open on signal, except that the draw need not open from 6:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except on legal holidays observed in the locality. However, the draw shall open at any time for commercial vessels, public vessels of the United States, any vessels of state or municipal governments used for public safety, and in case of emergency or during severe storm conditions.

(n) *Malden River (Woods Memorial, Revere Beach Parkway) Bridge.* The draw need not be opened for the passage of vessels. Paragraphs (b) through (e) of this section do not apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 33 U.S.C. 499, 49 U.S.C 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67 46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 71 78, 36 FR 16905, Aug. 26, 1971; CGFR 70 140a, 36 FR 21890, Nov. 17, 1971; CG 73 163R, 39 FR 1582, Jan. 11, 1974; CGD 74 48R, 39 FR 19942, June 5, 1974; CGD 74 048, 39 FR 33798, Sept. 20, 1974; CGD 76 175, 43 FR 11983, Mar. 23, 1978; CGD 77 215, 44 FR 15702, Mar. 15, 1979; 44 FR 23827, Apr. 23, 1979]

### § 117.77 North River, Mass.; bridges at Route 3A and Union Street.

(a) From May 1 through October 31 the draws shall open on signal if at least 4 hours' notice has been given.

(b) From November 1 through April 30 the draws shall open on signal if at least 24 hours' notice has been given.

(c) The owner of or agency controlling each bridge shall post a notice of the contents of this section in such a manner that it can be easily read from an approaching vessel on both the upstream and downstream sides of the bridges. This notice shall state how advance notice should be given.

(d) The operating machinery of the draws shall be maintained in serviceable condition and the draws opened and closed at least every 3 months to make certain that the machinery will function properly for satisfactory operation.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05 1(c)(4))

[CGFR 71 47b, 37 FR 6847, Apr. 5, 1972]

### § 117.78 Cape Cod Canal, Mass.

(a) The lift span of the Buzzards Bay Railroad bridge will normally be kept in the raised (open) position except for the passage of trains or for maintenance. No signal is required if the lift span is raised.

(b) If the lift span is in other than the raised position, the opening signal shall be one long and one short blast.

(c) Signals to be sounded from the bridge are:

(1) Immediately preceding the raising of the drawspan: One long blast.

(2) Immediately preceding the lowering of the drawspan: Two long blasts.

(3) When a vessel has sounded the opening signal and the drawspan cannot be raised immediately: Four short blasts in a rapid succession.

(4) When the draw is closed and visibility is reduced in foggy weather: Four short blasts in rapid succession every 2 minutes.

[CGFR 68-162, 34 FR 839, Jan. 18, 1969]

### § 117.80 Acushnet River, Mass.; State of Massachusetts bridge between New Bedford and Fairhaven.

(a) *Prompt opening required.* Except as otherwise provided in paragraph (b) of this section, the draw of the bridge shall, upon proper signal, be opened promptly for the passage of vessels unable to pass under the closed draw.

(b) *Exceptions.* (1) From 6:30 a.m. to 8:30 a.m., from 11:30 a.m. to 1:30 p.m., and from 4:00 p.m. to 6:00 p.m., on all days other than Sundays and legal holidays observed in the locality, the draw need not be opened for the passage of any vessels drawing less than 15 feet of water. The above periods of closure will not apply to vessels owned or operated by the U.S. Government, State or local authorities.

(2) During the period May 1 to October 1 between the hours of 9:00 p.m. and 5:00 a.m. (local time) and during the period October 1 to May 1, from one hour after sunset to one hour before sunrise, advance notice of two hours will be required for an opening. This advance notice will be given to the draw tender by telephone or otherwise. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be conveniently reached by telephone or otherwise at any hour of the night, and shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be read easily at any time, a copy of the regulations of this section together with a notice stating exactly how the draw tender may be reached.

(c) *Signals* (1) *By the vessel.* The signal for opening the draw promptly when required shall be three short blasts of a whistle or horn. When a vessel drawing more than 15 feet of water intends to pass through the draw during the period described in paragraph (b)(1) of this section, three short blasts followed by one long blast shall be sounded. When any United States, State or municipal vessel as described in paragraph (b)(1) of this section intends to pass through the draw, four long blasts are sounded.

(2) *By the bridge.* If the draw is to be opened promptly, the draw tender shall reply by one long blast of a whistle or horn. If the draw cannot be opened promptly, the draw tender shall reply by three long blasts and, in addition, a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

### § 117.81 Apponaganset River, Mass.; Padanarum Highway Bridge at South Dartmouth.

(a) The draw shall be opened promptly on signal for the passage of vessels between sunrise and 7:30 a.m., 9:30 a.m., and 11:30 a.m. 1:00 p.m. and 4:30 p.m., 6:30 p.m. and 1 hour after sunset, on all days from May 1 to October 31, inclusive, of each year.

(b) At all other times during the year when a bridge opening is desired a 6-hour advance notice must be given, in person, by telephone, or in writing, to the operator of the bridge or to the Selectmen of the Town of Dartmouth, Massachusetts. Upon receipt of such notice, the operator of the bridge, in compliance therewith, shall at the time specified in the notice and for a reasonable period thereafter be prepared to open the draw promptly on signal for the passage of the vessel.

(c) The advance notice required in paragraph (b) of this section shall not apply to vessels in an emergency, or to vessels operated by the United States and vessels employed for police or fire protection by any Town or municipality bordering on the Apponaganset

River. The draw shall be opened promptly upon notification at any time of the day or night for such United States and municipal vessels, and for other vessels in an emergency.

(d) The call signal for opening the draw shall be three short blasts of a whistle or horn. If the draw can be opened immediately the call signal shall be acknowledged by one long blast of a whistle or horn. When the draw cannot be opened immediately the operator shall sound three long blasts and in addition a red flag or ball by day and a red light by night shall be conspiculously displayed on the bridge.

(e) Automobiles and other vehicles shall not be stopped or pedestrians loiter on this drawbridge for the purpose of delaying the opening of the draw, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspan, but all passage over or through the bridge shall be prompt, to prevent delay to either land or water traffic.

(f) The owner of or agency controlling the bridge shall maintain in good and efficient order the drawspan and the mechanical appliances for operating the same and shall provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

(g) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge in a position where it can easily be read at any time, a copy of the regulations of this section together with a notice stating exactly how the operator may be reached by telephone or otherwise.

### § 117.85 Sakonnet River, R.I.; State of Rhode Island highway bridge and New York, New Haven & Hartford Railroad Co. bridge at Tiverton.

(a) The owner of or agency controlling each bridge shall maintain in good and efficient order the drawspan and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. The owner of or agency controlling each bridge shall also provide and maintain at the drawspan such number of draw tenders or operators as may be necessary to open and close the same promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

(b) The signal for opening the draw of each of these bridges shall be three short blasts of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(c) Except as otherwise provided in paragraphs (d) and (h) of this section the draw of each bridge shall be immediately opened upon receiving the prescribed signal for the passage of vessels at any hour of the day or night.

(d) Exceptions: (1) When a train which will entirely cross the railroad bridge before stopping has reached the distance signal of the bridge and is in motion toward the bridge, the train may continue across the bridge, but in no case, except as provided in paragraph (d)(2) of this section, shall the opening of the bridge for a vessel be delayed more than four minutes after the signal is given.

(2) When the draw of either of the bridges shall have been open for 10 minutes or longer, it may be closed for the crossing of trains, cars, vehicles, or persons, if any be waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the trains, cars, vehicles, or persons to cross, it shall again be opened promptly for the passage of all vessels if there be any such desiring to pass. The length of time that a draw shall have been open shall be computed from the time that the draw is fully open, and the length of time that a draw has been closed shall be computed from the time that the draw ceases to move in closing.

(3) The exceptions contained in this paragraph, shall not apply to vessels owned or operated by the United States, vessels in distress, and vessels

employed for police and fire protection by any town or municipality touching upon Sakonnet River. All such United States and municipal vessels, and vessels in distress, shall be passed through the draws of the bridges at any hour of the day or night.

(e) For every vessel that cannot pass a closed bridge the operation of the draw shall afford full horizontal and vertical clearance in the draw opening regardless of the size or requirements of the passing vessel.

(f) Trains, cars, vehicles, or persons shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be so handled or placed as to delay the opening or closing of the draw, but all passage over, under, or through a draw shall be prompt to prevent delay to either land or water traffic.

(g) The general regulations contained in paragraphs (a) to (f), inclusive, of this section shall apply to each bridge except as modified by the special regulation contained in paragraph (h) of this section. The special regulations shall not apply to vessels owned or operated by the United States, a vessel in distress, or to vessels employed for police or fire protection by any town or municipality touching upon Sakonnet River. All such United States and municipal vessels, and vessels in distress, shall be passed through the draws of the bridges during the closed period.

(h) State of Rhode Island highway bridge: From 7:10 a.m. to 7:40 a.m., Monday through Friday, inclusive, the draw of the highway bridge will not be required to be opened for the passage of vessels.

### § 117.87 Taunton River, Mass.; bridges.

(a) The signal for opening the draw of each of the drawbridges shall be three short blasts of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(b) Except as otherwise provided in this section, the draws of the bridges shall be immediately opened, upon receiving the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States" as defined in R.S. 4311 (46 U.S.C. 251) unable to pass under the closed draws.

(c) When a train which will entirely cross a railroad bridge before stopping has reached the distance signal of the bridge and is in motion toward the bridge, the train may continue across the bridge, but in no case, except as provided in paragraph (f) of this section, shall the opening of the bridge for a vessel be delayed more than four minutes after the signal is given.

(d) Between 10:00 p.m. and 5:00 a.m. from May to October, inclusive, and between 6:00 p.m. and 6:00 a.m. from November to April, inclusive, the draw of the Bristol County highway bridge at Berkley shall be opened for the passage of all vessels which cannot pass the closed bridge upon notice given by telephone or otherwise to the operator at least 30 minutes in advance of the time the vessel desires to pass through the draw. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be reached by telephone or otherwise from the bridge, or through a public telephone exchange, and notice of such arrangements shall be kept conspicuously posted on the bridge.

(e) For all vessels or watercraft other than those described in paragraph (b) of this section which cannot pass the closed bridges, the draws shall, upon receiving the prescribed signal, be opened when two or more such vessels or other watercraft may be ready to pass through: *Provided*, That in no case shall the delay be more than 20 minutes.

(f) When the draw of any of the bridges shall have been open for 10 minutes or longer, it may be closed for the crossing of trains, cars, vehicles, or persons, if any be waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the trains, cars, vehicles, or persons to cross, it shall again be opened promptly for the passage of foreign vessels or "vessels of the

United States," if there be any such desiring to pass. The length of time that a draw shall have been open shall be computed from the time that the drawspan is fully open, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(g) For every vessel that cannot pass the closed bridges the operation of the draw shall afford full horizontal and vertical clearance in the draw opening regardless of the size or requirements of the passing vessel.

(h) Trains, cars, vehicles, or persons shall not be stopped on any drawspan for the purpose of delaying the opening of the draw, nor shall any vessel or other watercraft be so handled or placed as to delay the opening or closing of any drawspan, but all passage over, under, or through a drawspan shall be prompt so as to reduce delays to water and land traffic to a minimum.

(i) The owner of or agency controlling each bridge shall maintain in good and efficient order the drawspan and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. The owner of or agency controlling the bridge shall also provide and maintain at the drawspan such number of draw tenders or operators as may be necessary to open and close the same promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

### § 117.90 Providence Harbor, R.I.; bridges.

(a) The regulations in this section shall govern the operation of the city of Providence highway bridge at Point Street across the upper Providence River and the New York, New Haven and Hartford Railroad Co. India Point Bridge at India Street, the State of Rhode Island Washington Bridge at Fox Point Boulevard, the New York, New Haven and Hartford Railroad Co. Tunnel Bridge, and the city of Providence Red Bridge at Waterman Street across Seekonk River.

(b) Except as otherwise provided in paragraphs (c) and (d) of this section the draw of each bridge across Seekonk River shall be opened promptly upon receiving the prescribed signal at all times during the day or night for the passage of vessels.

(c) Between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. daily the draws of the highway bridges over Seekonk River, except the Washington Bridge as provided in paragraph (d) of this section, need not be opened for the passage of vessels other than loaded self-propelled cargo vessels and any assisting tugs: *Provided*, That the bridges, except the Washington Bridge as provided in paragraph (d) of this section, shall be opened promptly at all times for vessels owned or operated by the United States or the city of Providence desiring passage because of an emergency involving danger to life or property, upon sounding four distinct blasts of a whistle or horn.

(d) The owner of or agency controlling the Washington Bridge across Seekonk River need not open the draw for the passage of vessels.

(e) The call signal for opening of the draw of each bridge shall be three short blasts of a whistle or horn. If the draw can be opened immediately, the call signal shall be acknowledged by one long blast of a whistle or horn on the bridge. If the draw cannot be opened immediately, the call signal shall be acknowledged by three long blasts, and in addition a red flag or ball by day and a red light at night shall be conspicuously displayed on the bridge.

(f) *Point Street Bridge.* Between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. daily the draw of the bridge need not be opened for the passage of vessels; at all other times at least 24 hours' advance notice is required, such notice to be given to the Director of Public Works, City Hall, Providence, R.I.: *Provided*, That the draw shall be opened at all times, upon request, for vessels owned or operated by the United States or the city of Providence desiring passage in an emergency involving danger to life or property. The owner of or agency controlling the bridge shall provide arrangements whereby the drawtenders can be reached readily by telephone or otherwise at any hour of the day or night, in case of emergency.

### § 117.95 Mystic River at Mystic, Conn.

(a) *The New York, New Haven and Hartford Railroad Company bridge.* (1) From April 1 to October 31, inclusive, at any time, day or night, the draw of this bridge shall be opened immediately upon receipt of the call signal for the passage of commercial vessels, vessels owned or operated by the United States Government, and vessels employed for police or fire protection by any town or municipality touching on the Mystic River, and as soon as practicable and in no case later than 20 minutes after receipt of the call signal for the passage of all other vessels which cannot pass the closed bridge: *Provided*, That the draw shall not be opened when an express passenger train, scheduled to pass beyond the bridge without stop, has entered the block in which the bridge is located, or when any other train which will entirely cross the bridge before stopping has reached the distance signal of the bridge, or when a passenger or mail train is actually ready to pass over it, but in any such case the opening of the bridge shall not be delayed more than eight minutes after the call signal is given.

(2) The call signal for opening the draw shall be one long blast and one short blast. When the draw is to be opened immediately the draw tender shall reply with one long blast. If the draw cannot be opened immediately the draw tender shall reply with three long blasts, and in addition a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

(3) From November 1 to March 31, inclusive, at any time between the hours of 5:00 a.m. and 9:00 p.m. the draw of this bridge shall be opened immediately upon receipt of the above-described call signal and subject to all conditions contained in paragraph (a)(1) of this section. From 9:00 p.m. to 5:00 a.m., the draw of the bridge shall not be required to be opened except on an 8-hour notice in advance of the time an opening is required.

(4) The 8-hour advance notice will not apply to vessels owned or operated by the United States, nor to vessels employed for police or fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owners or agency operating the bridge shall upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(5) The owners or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative of the owner or agency may be reached.

(b) *Connecticut State Highway Department bridge.* (1) The owner or agency controlling the bridge shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

(2) The draw shall normally be opened on the following schedule when the signal, hereinafter prescribed for the opening of the draw, is received from an approaching vessel or other watercraft which cannot pass under the closed draw. This schedule shall not be construed to prevent the opening of the draw immediately for governmental, police or fire protection or commercial vessels or any vessels in case conditions of wind, tide or heavy volume of river traffic are such as to cause a hazard to vessels or to the bridge.

(3) Between the hours of 8:15 a.m. and 7:17 p.m. the draw need be opened only once an hour at 15 minutes after the hour for the passage of vessels other than vessels owned or operated by the Government of the United States, vessels employed for police or fire protection and commercial vessels or any vessel under conditions described in paragraph (b)(2) of this section.

(4) From May 1 to October 31, inclusive, between the hours of 7:15 p.m. and 8:15 a.m. and from November 1 to April 30, inclusive, between the hours of 7:15 p.m. and 8 p.m. and between

the hours of 4 a.m. and 8:15 a.m. the draw shall be opened on call for the passage of vessels owned or operated by the Government of the United States, vessels employed for police and fire protection and commercial vessels. The draw shall be opened as soon as practicable and in no case later than 20 minutes after receipt of the call signal for all other vessels which cannot pass the closed draw.

(5) From November 1 to April 30, inclusive, between the hours of 8 p.m. and 4 a.m. the draw shall be opened for the passage of vessels upon notice to the drawtender given at least 1 hour in advance of the time of the requested opening.

(6) All times listed are referred to local times at Mystic.

(7) The signal for opening the draw shall be given by one long blast and two short blasts of a horn or whistle. If the draw cannot be opened immediately when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

(8) The signal for opening the draw shall be answered by a whistle on the bridge with one long blast when the opening is commenced, or by three long blasts repeated at regular intervals until acknowledged by the vessel when the bridge cannot be opened promptly or, if opened, must be closed immediately.

(9) A copy of the regulations in this paragraph shall be conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

### § 117.100 Thames River, Conn.: The New York, New Haven & Hartford Railroad Co. bridge between New London and Groton.

(a) The draw of this bridge shall be opened at any time, day or night, immediately upon receipt of the call signal for the passage of commercial vessels, vessels owned or operated by the United States Government, and vessels employed for police or fire protection by any town or municipality touching on the Thames River, and as soon as practicable and in no case later than 20 minutes after receipt of the call signal for the passage of all other vessels which cannot pass the closed draw: *Provided*, That when a westbound train scheduled to cross the bridge without stop has passed Midway Station, or a Southbound train Groton Station, or an eastbound train New London Station, and is in motion toward the bridge, the draw shall not be opened for the passage of any vessel until the train has crossed the bridge.

(b) The call signal for opening the draw shall be three blasts. When the draw is to be opened immediately the draw tender shall reply with one blast. If the draw cannot be opened immediately the draw tender shall reply with four blasts, and in addition a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

### § 117.105 Shaws Cove, Conn.: Penn Central railroad bridge.

(a) From December 1 through March 31:

(1) Monday through Friday from 8 a.m. to 5 p.m. the draw shall open on signal.

(2) Monday through Friday from 5 p.m. to 8 a.m. and on Saturdays and Sundays, the draw shall open on signal if at least eight hours notice is given.

(b) From April 1 through November 30:

(1) From 5 a.m. to 10 p.m. the draw shall open on signal.

(2) From 10 p.m. to 5 a.m. the draw shall open on signal if at least one hours notice is given.

(c) The draw need not open on signal if a train is approaching so closely that it may not be safely stopped; however, a vessel shall not be delayed more than 10 minutes.

(d) When an emergency arises that may endanger life or property during the closed periods outlined in paragraphs (a)(2) and (b)(2) of this section, the draw shall open with the least possible delay after notification to take such action has been given to the bridge owner or his authorized representative.

(e) Signals: (1) The opening signal from the vessel is one long blast followed by one short blast.

(2) The acknowledging signal from the drawtender is one long blast followed by one short blast when the draw will be opened immediately or four short blasts when the draw cannot be opened immediately. A red flag or ball by day, and a red light at night shall be also conspicuously displayed when the draw cannot be opened.

(f) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere in such a manner that they can easily be read at any time from an approaching vessel. This notice shall state who to contact to have the draw opened during periods when advance notice is required.

[CGD 73-72R, 39 FR 13775, Apr. 17, 1974]

### § 117.110 Niantic River, Conn., bridges.

(a) The draw of the Route 156 bridge shall open on signal, except that from 7 a.m. to 8 a.m., and from 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels. However, the draw shall open at any time for the passage of commercial vessels.

(b) The draw of the CONRAIL (Penn-Central) bridge shall open on signal, except that from 8 p.m. to 4 a.m., from April 1 through October 31, and from 6 p.m. to 6 a.m., from November 1 through March 31, the draw shall open on signal if at least one hour notice is given.

NOTE: When a train, scheduled to cross the bridge without stopping, has entered the drawbridge block, a delay in opening the draw may occur until the train has cleared the block.

(c) Signals: (1) The opening signal for the highway bridge is one long blast followed by one short blast.

(2) The opening signal for the railroad bridge is one long blast followed by two short blast.

(3) The acknowledging signal from the draw tender of each bridge when the draw shall open is the same as the opening signal.

(4) The acknowledging signal from the draw tender of each bridge when the draw cannot open, or is open and must close, is four blasts.

(d) The owner of or agency controlling each bridge shall conspicuously post notices containing the substances of these regulations pertinent to each bridge, both upstream and downstream, on the bridge or elsewhere in such a manner that they can easily be read from an approaching vessel. This notice shall state whom to contact to have the draw opened if advance notice is required.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5))
[CGD 76-167, 42 FR 30179, June 13, 1977]

### § 117.115 Connecticut River, Conn.; bridges.

(a) The signal for opening the draw of each of the drawbridges shall be one long blast (of about five seconds' duration) of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by a series of not less than four short, sharp blasts (each of not more than one second's duration) and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(b) Except as provided in subparagraph (c) of this section, the draws of the bridges described in this section shall be promptly opened, upon the prescribed signal, at all times during the day or night, for the passage of foreign vessels and "vessels of the United States", as defined in section 4311 of the Revised Statutes (46 U.S.C. 251).

(c) *Exceptions*—(1) *Railroad bridge at Lyme.* When a westbound train scheduled to cross the bridge without stopping has passed Lyme and Blackhall Station, or an eastbound train Saybrook Junction Station, and is in motion toward the bridge, the draw shall be opened for the vessels described in paragraph (b) of this section as soon as the train has crossed the bridge.

(2) *Railroad bridge at Middletown.* When a westbound train scheduled to cross the bridge without stop has passed Portland Station, or an eastbound train Middletown Station, and

is in motion toward the bridge, the draw shall be opened for the vessels described in paragraph (b) of this section as soon as the train has crossed the bridge.

(d) For all other vessels which cannot pass the closed bridges the draws shall, upon the prescribed signal, be opened as soon as practicable, but in no case shall the delay be more than 20 minutes.

(e) For every vessel that cannot pass the closed bridge the operation of the draw shall afford full horizontal and vertical clearance in the draw opening, regardless of the size or requirements of the passing vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 75-157, 40 FR 31938, July 30, 1975]

### § 117.120 New Haven Harbor, Quinnipiac and Mill Rivers, Conn.; bridges owned and operated by the State of Connecticut and city of New Haven.

(a) The regulations in this section shall govern the operation of Chapel Street Bridge across Mill River, and Tomlinson Bridge, Ferry Street and Grand Avenue Bridges across Quinnipiac River.

(b) The owners of or agencies controlling the above-named bridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws.

(c) The draw of each bridge shall be opened when the prescribed signal for the opening of the draw is received from an approaching vessel or other watercraft which cannot pass under the closed draw, except as hereinafter provided.

(d) *Closed periods.* The draws of the above-named bridges need not be opened between 7:30 and 8:30 a.m., 12:00 noon and 12:15 p.m., 12:45 and 1:00 p.m., and 4:45 and 5:45 p.m.

(e) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.*

Tomlinson Bridge, two short blasts of horn or whistle.

Chapel Street Bridge, three short blasts of horn or whistle.

Ferry Street Bridge, one short blast of horn or whistle.

Grand Avenue Bridge, one long blast of horn or whistle.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *By bridge operator*—(*a*) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open, must be closed immediately. Two long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(*b*) *Visual signals.* Draw to open immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(ii) *By the vessel.* Vessels or other watercraft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open, must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally, a red flag by day and a red light by night.

(f) *Posting of regulations.* A copy of the regulations of this section shall be conspicuously posted on both the upstream and downstream sides of the above-named bridges in such manner that it can be easily read at any time.

### § 117.125 Housatonic River, Conn.; bridges.

(a) *US-1 bridge, mile 3.5.* (1) The draw shall open on signal, except that from 7 a.m. to 9 a.m., Monday through Friday, and from 4 p.m. to 5:45 p.m., daily, the draw need not open for the passage of vessels.

(2) *Signals.* (i) The opening signal from a vessel is one long blast followed by one short blast.

(ii) The acknowledging signal from the draw tender is one long blast followed by one short blast when the draw will open; or four short blasts when the draw will not open. A red flag by day or a red light at night may also be used to indicate that the draw will not open.

(b) *Penn Central Railroad Bridge, mile 3.9.* (1) The draw shall open on signal from 5 a.m. to 9 p.m. except that—

(i) Monday through Friday, excluding holidays or an emergency, the draw need not open from 7 a.m. to 9 a.m., and from 4 p.m. to 5:45 p.m.; and

(ii) The draw need not open more than once in any 60-minute period from 5:30 a.m. to 7 a.m.; and from 5:45 p.m. to 8:15 p.m., except on Saturdays, Sundays, and Federal holidays.

(2) From 9 p.m. to 5 a.m., the draw shall open on signal if the vessel operator gives notice to the chief dispatcher of the railroad before 4 p.m. on the day of the intended passage.

(3) A delay of up to 20 minutes in the opening of the draw may be expected if a train is approaching the bridge so closely that the train may not be safely stopped.

(4) The signals for the railroad bridge are as follows:

(i) The operating signal from a vessel is one long blast followed by two short blasts.

(ii) The acknowledging signal from the draw tender is one long blast when the draw will open, and four short blasts when the draw will not open. A red flag by day or a red light at night may be used to indicate that the draw will not open.

(c) The owners of the bridges shall post notices on both the upstream and downstream side of each bridge setting forth the requirements in this section for each bridge.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 76-034, 41 FR 34034, Aug. 12, 1976]

### § 117.130 Pequonnock River, Yellow Mill Channel, and Johnson Creek, Bridgeport, Connecticut; bridges.

(a) *Pequonnock River*—(1) *Stratford Avenue Bridge.* The draw shall open on the signal of one long blast and one short blast except that the draw need not open during the following periods:

6:45 a.m. to 7:15 a.m.
7:45 a.m. to 8:15 a.m.
11:45 a.m. to 1:15 p.m.
4:30 p.m. to 6:10 p.m.

(2) *ConRail Railroad Bridge.* (i) The draw shall open on the signal of three short blasts from 5:45 a.m. to 9 p.m., and on signal from 9 p.m. to 5:45 a.m. if at least eight hours notice is given to the chief dispatcher of the railroad, except that:

(A) Monday through Friday, excluding holidays or an emergency, the draw need not open during the following periods:

6:45 a.m. to 7:15 a.m.
7:45 a.m. to 8:15 a.m.
4:30 p.m. to 6:10 p.m.

(B) Monday through Friday, excluding holidays or an emergency, the draw need not open more than once during each of the following periods:

5:45 a.m. to 6:45 a.m.
7:15 a.m. to 7:45 a.m.
8:15 a.m. to 9:00 a.m.
6:10 p.m. to 8:15 p.m.

(ii) A delay of up to seven minutes in the opening of the draw may be expected if a train is approaching the bridge so closely that the train may not be safely stopped.

(3) *Congress Street Bridge.* The draw shall open on the signal of two long blasts and two short blasts from 8 a.m. to 9 p.m., and on signal from 9 p.m. to 8 a.m., if at least eight hours notice is given except that the draw need not open during the following periods:

6:45 a.m. to 7:15 a.m.
7:45 a.m. to 8:00 a.m.
11:45 a.m. to 1:15 p.m., except that the draw shall open for commercial vessels.
4:30 p.m. to 6:10 p.m.

(4) *East Washington Street Bridge.* The draw shall open on the signal of one long blast and two short blasts if at least 24 hours notice is given.

(5) *Grand Street Bridge.* The draw need not open for the passage of vessels. However, the draw shall be returned to operable condition within 12 months after notification by the Commandant to take such action.

(b) *Yellow Mill Channel Bridge.* The draw shall open on the signal of one long blast and one short blast if at least 24 hours notice is given.

(c) *Johnson Creek, Pleasure Beach Bridge.* The draw shall open on the signal of one long blast and one short blast.

(d) Public vessels of the United States and vessels in distress shall be passed through the draw of each bridge listed in this section during closed periods when draw tenders are on duty, and as soon as possible if advance notice is required. The opening signal from these vessels is four short blasts.

(e) If the draw of a bridge listed in this section cannot open immediately when opening signals are received from vessels, a red flag or ball by day, or a red light at night shall be conspicuously displayed on the bridge.

(f) The owner of or agency controlling each bridge shall keep a copy of the pertinent regulations in this section and information stating how notice is to be given to the authorized representative of the bridge owner posted both upstream and downstream, either on the bridge or elsewhere in such a manner that it can easily be read from an approaching vessel at all times.

(Sec. 5 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 76-219, 43 FR 13379, Mar. 30, 1978, as amended by CGD 78-048, 43 FR 57250, Dec. 7, 1978]

### § 117.135 Saugatuck River, Conn.; bridge of New York, New Haven & Hartford Railroad Co., at Saugatuck, Conn.

(a) Except as otherwise provided in this section, the draw shall be opened as soon as practicable for the passage of vessels that cannot pass under the closed bridge, upon a signal given by three short blasts (each of about 2 seconds' duration) of a horn or steam whistle, between 5:00 a.m. and 9:00 p.m. from June 1 to September 30, inclusive, and between 8:00 a.m. and 4:00 p.m. from October 1 to May 31, inclusive. An eight-hour advance notice shall be required for opening the draw from October 1 to May 31, inclusive, between 5:00 a.m. and 8:00 a.m. and between 4:00 p.m. and 9:00 p.m. The draw may remain closed at all other times.

(1) *Exception.* When a train scheduled to pass beyond the bridge without stop has passed the last station nearest the bridge and is in motion toward the bridge, the bridge shall be opened as soon as the approaching train has been brought to a stop at the drawbridge signal.

(b) In case the bridge cannot be opened immediately when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed.

(c) Signals for the opening of the draw shall be answered by a whistle or Klaxon horn on the bridge with the same signal, three short blasts, described in paragraph (a) of this section, when the operation of the opening is commenced, or by a series of not less than four short, sharp blasts, each of not more than 1 second duration, when the bridge cannot be promptly opened.

### § 117.145 Norwalk River at Norwalk, Conn.; Washington Street Highway Bridge and the New York, New Haven & Hartford Railroad bridge.

(a) The owners of or agencies controlling the bridges described in this section shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

(b) The draw shall be opened promptly when the signal, prescribed in paragraph (c)(1) of this section for the opening of the draw, is received from an approaching vessel or other water craft which cannot pass under the closed draw except as provided in paragraph (d) of this section.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* Highway Bridge, three short blasts of horn or whistle. Railroad Bridge, one long and two short blasts of horn or whistle. Except that for vessels drawing at the time 14 feet and more the above signals shall be followed by one long blast of horn or whistle.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: Two long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other watercraft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

(d) *Exceptions.* (1) The highway bridge: Closed periods, when the draw need not be opened except on Saturdays, Sundays, and holidays and except for vessels drawing at the time more than 14 feet of water:

Between 7:00 a.m. and 8:45 a.m.
Between 11:45 a.m. and 1:15 p.m.
Between 4:00 p.m. and 6:00 p.m.

(2) *The railroad bridge.* (i) The draw shall open on signal from 5 a.m. to 9 p.m. except that—

(A) Monday through Friday, excluding holidays or an emergency, the draw need not open from 7 a.m. to 8:45 a.m., and from 4 p.m. to 6 p.m.; and

(B) The draw need not open more than once in any 60-minute period from 5:45 a.m. to 7 a.m., and from 6 p.m. to 7:45 p.m.

(ii) From 9 p.m. to 5 a.m., the draw shall open on signal if at least four hours notice is given.

(iii) A delay of up to 20 minutes in the opening of the draw may be expected if a train is approaching the bridge so closely that the train may not be safely stopped.

(e) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937, (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 75-216, 43 FR 1337, Jan. 9, 1978]

### § 117.150 Mianus River, Conn.; bridge of New York, New Haven & Hartford Railroad Co. at Coscob, Conn.

(a) The signal for opening the draw of the bridge described in this section shall be given by three short blasts of a horn or steam whistle. In case the draw cannot be immediately opened when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

(b) The signal for the opening of the draw shall be answered by three short blasts of a whistle or horn on the bridge when the operation of opening is commenced, or, if the bridge cannot be promptly opened, by a series of not less than four short, sharp blasts, each of not more than 1 second duration.

(c) (1) Except as provided in paragraph (c)(2) of this section, the draw shall be immediately opened upon the prescribed signal at any time between 5 a.m. and 9 p.m. for the passage of foreign vessels and "vessels of the United States," as defined by section 4311 of the Revised Statutes (46 U.S C. 251).

(2) *Exception.* When a train scheduled to pass beyond the bridge without stop has passed the last station nearest the bridge and is in motion toward the bridge, the bridge shall be opened for the vessels described in paragraph (c)(1) of this section as soon as the train has crossed the bridge.

(d) For all other vessels which cannot pass the closed bridge, the draw shall, upon the prescribed signals and between the hours of 5 a.m. and 9 p.m., be opened as soon as practicable, but in no case shall the delay be over 20 minutes.

### § 117.155 Hutchinson River, N.Y.; bridges.

(a) The owners of or agencies controlling these drawbridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws.

(b) All bridges, except the Eastchester Creek Bridge (I-95) and the Hutchinson River Parkway Bridge, shall open promptly on signal. The Eastchester Creek (I-95) and Hutchinson River Parkway bridges shall open promptly on signal if at least 6 hours notice has been given.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(d) Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(e) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

(Sec. 6(g)(2), 80 Stat. 937, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 71-102R, 38 FR 2428, Jan. 26, 1973]

### § 117.156 Westchester Creek and Bronx River, N.Y.; city of New York Bridges at Bruckner Expressway.

(a) The owner of or agency controlling the bridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws for the passage of vessels.

(b) Vessels owned, controlled, or employed by the U.S. Government, State government, or by municipal departments shall be passed without delay through the draws of the bridges at any time, day or night, after giving a signal of four distinct blasts of a horn, whistle, or megaphone.

(c) All other vessels unable to pass under the closed bridges shall be passed through the draws of the bridges at any time, day or night, after giving a signal of three distinct blasts of a horn, whistle or megaphone, repeated at intervals when necessary until answered from the bridges, except between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m., Mondays through Fridays, inclusive.

(d) Upon receiving the signal from the vessel, the operators of the bridges, in case the draws can be opened immediately shall reply by three blasts of a horn, whistle, or megaphone. In case of accident to the machinery or other contingency necessitating delay in opening of the draws, the signal from the vessel shall be answered by the operators of the bridges by two blasts of a horn, whistle, or megaphone.

(e) Pedestrians and vehicles shall not be stopped on the bridges for the purpose of delaying their opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspans, but all passage over, through, or under the bridges shall be prompt, to prevent delay to either land or water traffic.

(f) Clearance gages of a type to be approved by the Commandant, shall be provided and kept in good legible condition. Unless otherwise specified, such clearance gages shall consist of two board gages painted white with black figures not less than 9 inches high, which shall indicate the headroom clearances under the closed spans at all stages of the tide. These gages shall be so placed that they will be plainly visible to the operator of a vessel approaching the bridges either upstream, or downstream, and shall be illuminated at night and during periods of decreased visibility caused by fog, rain, or snow.

(g) The bridges shall not be required to open for craft carrying appurtenances unessential to navigation which extend above the normal superstructure nor for those vessels regularly and habitually navigating the waterways which may be or are equipped with hinged or removable stacks, masts and flagpoles which can be lowered to pass under the closed draws of the bridges. Upon request, the District Commander, will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting these waterways with a view to adjusting any differences of opinion in this regard between the vessel owner and the bridge owner.

### § 117.160 Harlem River, N.Y.; bridges.

(a) The drawbridges which leave a clear space, between the under sides thereof and the high water of spring tides, of 24 feet, shall not be opened except for vessels propelled by steam with or without vessels in tow; nor shall they be required to be opened at any times other than between 10:00 a.m. and 5:00 p.m.

(b) To the end that the draws of the bridges shall not be required to be opened or operated oftener than necessary between 10:00 a.m. and 5:00 p.m., the pilothouses, flagpoles, and smokestacks of all tugs propelled by steam, with or without vessels in tow, habitually using the river, shall not exceed 24 feet in height above the water line or, if exceeding that height, shall be reduced in height or hinged so that they can conveniently pass underneath the draws when closed.

(c) Any tug passing the draw of any of the bridges as often as once a day for 10 days of any month will be regarded as using the river "habitually" and shall conform to paragraph (b) of this section. A failure to comply with such requirement by any tug after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug until such later time as may be convenient to the owner of or agency controlling the bridge.

(d) When a steam vessel wishes to pass a bridge within the time prescribed for opening the draw, it shall signify its intention by three blasts of the whistle. If the draw is ready to be opened, the signal shall be answered by three blasts of the whistle from the bridge; if the draw is not ready for opening, the signal shall be answered by two blasts from the bridge.

(e) The draw shall be opened with the least possible delay upon receiving the prescribed signal except when such signal is given to a railroad bridge five minutes or less before the scheduled arrival of an express passenger train. In such case the draw need not be opened until after the passage of the train unless the bridge tender has information that the train is delayed as much as five minutes.

(f) The draw of the low bridge at the mouth of Spuyten Duyvil Creek shall be opened at all times during the day and night when approached by boats desiring to pass it upon receiving the prescribed signal.

(g) Vessels owned, controlled, or employed by the United States or by the City of New York shall be passed without delay through the draw of any of the bridges at any time, day or night, after giving a signal of four blasts of the whistle.

(h) The draws of the 103rd Street bridge, mile 0.0, the Macombs Dam bridge, mile 3.2, and the 207th Street bridge, mile 6.0 shall open on signal from 10 a.m. to 5 p.m. if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room. At all other times the draws need not open. The draws of these bridges shall open as soon as possible for the passage of public vessels of the United States and New York City after such vessels have contacted the New York City Highway Department's Radio (Hotline) Room.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937, 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 1774, Dec. 12, 1967, CGFR 70-141, 36 FR 7132, Apr. 15, 1971, as amended by CGD 75-181, 41 FR 2385, Jan. 16, 1976; CGD 76-022, 41 FR 11289, Mar. 18, 1976]

### § 117.161 East River, N.Y.; bridge.

The draw of the Roosevelt Island bridge, mile 6.4 shall open on signal at all times if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-181, 41 FR 2385, Jan. 16, 1976]

### § 117.162 Dutch Kills, N.Y.

(a) The draws of the Hunters Point Avenue and Borden Avenue bridges shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(b) The draws of the Long Island Railroad bridges shall open on signal if at least six hours notice is given to the Long Island Railroad Movement Bureau.

(c) The draws of these bridges shall open as soon as possible for passage of public vessels of the United States and of the City of New York and vessels employed by the Army Corps of Engineers for dredging operations upon notification to the New York City Highway Department's Radio (Hotline) Room and the Long Island Railroad Movement Bureau.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5))

[CGD 76-216, 42 FR 30179, June 13, 1977]

### § 117.165 Newton Creek, N.Y.

(a) [Reserved]

(b) *City of New York highway bridge across East Branch at Grand Street.* The draw of this bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at any time, day or night, except between 6:45 and 7:00 a.m., 7:15 and 7:30 a.m., 7:45 and 8:00 a.m., 4:30 and 4:45 p.m., and 5:00 and 5:15 p.m. on all days other than Sundays and holidays.

(c) *Signals.* Whenever a vessel unable to pass under either closed bridge approaches it, the signal of its desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the operator of the bridge, in case the draw can be opened immediately, shall reply by three blasts of a whistle or horn, or by three loud and distinct strokes of a bell. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the operator of the bridge by two blasts of a whistle or horn or by two loud and distinct strokes of a bell.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 72-165, 37 FR 7694, Apr. 19, 1972]

### § 117.166 Gowanus Canal, N.Y.; bridges.

(a) The draws of the Hamilton Avenue bridge at mile 1.2 and the Ninth Street bridge at mile 1.4 shall open on signal at all times.

(b) The draws of the Third Street bridge at mile 1.8, the Carroll Street bridge at mile 2.0, and the Union Street bridge at mile 2.1 shall open on signal at all times from 1 October through 30 April. From 1 May through 30 September the draw shall open on signal if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)), 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-181, 41 FR 2385, Jan. 16, 1976]

### § 117.175 Jamaica Bay and connecting waterways, New York.

(a) *City of New York highway bridge across Mill Basin on Belt Parkway.* On Sundays from May 15 to September 30, inclusive, and on Memorial Day, Independence Day, and Labor Day, the draw of this bridge shall not be required to open for the passage of vessels between 12:00 noon and 9:00 p.m. (e.d.s.t.): *Provided,* That during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the bridge: *Provided further,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

NOTE: For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 15 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is eastern standard time and one hour should be added thereto to convert to eastern daylight saving time.

(b) [Reserved]

(c) New York City Department of Transportation highway bridge at Jamaica Bay Boulevard and New York City Transit Authority railroad bridge, both across Jamaica Bay, North Channel (Grassy Bay). The draws of these bridges need not open for the passage of vessels.

(d) Marine Parkway Drawbridge. The draw shall open on signal from 8 a.m. to 4 p.m., Monday through Friday. At all other times, the draw shall open on signal if at least 8 hours' notice is given, except the draw shall open for the U.S. Navy and National Oceanic and Atmospheric Administration vessels, in the event of an emergency, if a 1-hour notice is given.

(e) *Requirements for operation of draws.* The owners of or agencies controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws. Except as otherwise provided in paragraphs (a) to (d) of this section, the draws shall be opened promptly when the prescribed signal for the opening of a draw is received from an approaching vessel which cannot pass under the closed bridge.

(f) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(g) *Land and water traffic.* Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(h) *Posting of regulations.* A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937, 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 74-11R, 39 FR 2094, Jan. 17, 1974; CGD 77-184, 43 FR 24830, June 8, 1978; CGD 78-170, 45 FR 35326, May 27, 1980]

### § 117.180 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, bridges.

(a) The owners of or agencies controlling these bridges shall provide the necessary draw tenders and the proper machinery for safe, prompt operation of the draws.

(b) The draw of any bridge for which specific operating regulations are not prescribed in paragraphs (i), (j), (k), (l), and (m) of this section shall open promptly on signal. However, no draw need open for a sailing vessel unless the vessel is under machinery power or under tow if such an opening would unduly delay other vessel or vehicular traffic.

(c) The owners of or agencies controlling these bridges shall not permit automobiles, trucks, or other vehicles and vessels to stop or operate in such a manner so as to hinder or delay the operation of the draws. All passages over drawspans or through draw opening shall be such as to expedite both land and water traffic.

(d) The owners of or agencies controlling each of these bridges shall provide and keep in good legible condition clearance gauges on both the upstream and downstream sides of the bridge painted white, with black figures not less than eight inches high, to indicate the minimum clearances under the closed draw at any stage of the tide. The clearance gauges shall be placed on each bridge or appurtenances thereto in a way that they are plainly visible to the operator of a vessel approaching the bridge, either upstream or downstream.

(e) A copy of the regulations pertaining to each bridge in this section shall be posted on each bridge or appurtenances thereto on both the upstream and downstream sides in such a manner that it can be easily read at any time. This copy shall state how the authorized representative may be contacted if constant attendance is not required.

(f) Public vessels of the United States, vessels used by state or local governments for public safety or vessels in distress shall be passed through the draws as soon as possible after vehicular traffic has been cleared from the drawspan.

(g) The time specified in these regulations is local time.

(h) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* Public vessels of the United States, state or local vessels used for public safety or vessels in distress, shall sound four distinct blasts of a whistle, horn, or four loud and distinct strokes of a bell or individuals on the vessel shall shout within reasonable distance of the bridge. All other vessels shall sound three distinct blasts of a whistle, horn, or three loud and distinct strokes of a bell or individuals on the vessel shall shout within reasonable distance of the bridge.

(ii) *Visual signals.* Visual signals may be used in conjunction with sound signals when conditions are such that sound signals may not be heard. The signal is a white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator* (i) *Sound signals.* When the draw is to be opened immediately, the signal is the same as the call signal. When the draw cannot be opened immediately, or, if open, must be closed immediately, the signal is two long distinct blasts of a whistle or horn or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Visual signals may be used in conjunction with sound signals when conditions are such that sound signals may not be heard. When the draw is to be opened immediately, the signal is a white flag by day; and a green light by night swung up and down vertically a number of times in full sight of the vessel. When the draw cannot be opened immediately or, if open, must be closed immediately, the signal is a red flag by day, and a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(i) *Atlantic Beach Bridge across Reynolds Channel.* (1) From October 1 through May 14 the draw shall open on signal at any time.

(2) From May 15 through September 30 the draw shall open on signal except during the following periods it need open only on the hour and half-hour:

(i) From 4:00 p.m. to 7:00 p.m. on weekdays; and

(ii) From 11:00 a.m. to 9:00 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day.

(3) From May 15 through September 30 the draw shall open on signal at any time from two hours before to one hour after predicted high tide (predicted high tide for this bridge shall be 10 minutes earlier than that predicted for Sandy Hook as given in the tide tables for the United States published by the National Oceanic and Atmospheric Administration).

(j) *Long Beach Bridge across Reynolds Channel.* (1) From October 1 through May 14 the draw will open on signal at any time.

(2) From May 15 through September 30 the draw shall open at signal except that from 3:00 p.m. to 8:00 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day the draw need open only on the hour and half-hour.

(k) *Loop Parkway Bridge across Long Creek.* (1) The draw shall open on signal every other hour on the even hour except that on Saturdays, Sundays, and Federal holidays during the period from April 1 through October 31 the draw shall open on signal every three hours beginning at 3:00 a.m.

(2) If an opening is desired at other than a scheduled time, the opening may be requested via the telephone located on either side of the bridge or via marine radiotelephone.

(l) *Bridges at Meadowbrook State Parkway across Sloop Channel, Wantagh State Parkway across Goose Creek, and Captree State Parkway across State Boat Channel at Captree Island.* (1) Except as provided in paragraph (l), (2), and (3) of this section, the draw of these bridges shall open on signal every other hour on the even hour if at least one-half hour advance notice is given to the Jones Beach State Park.

(2) On Saturdays, Sundays, and Federal holidays from April 1 through October 31 the draw of the Meadowbrook State Parkway Bridge across Sloop Channel shall open on signal every three hours beginning at 1:30 a.m. if at least one-half hour advance notice is given to the Jones Beach State Park.

(3) On Saturdays, Sundays, and Federal holidays from April 1 through October 31 the draws of the Wantagh State Parkway Bridge across Goose Creek, and Captree State Parkway Bridge across State Boat Channel at Captree Island shall open on signal every three hours beginning at 3:00 a.m. if at least one-half hour advance

notice is given to the Jones Beach State Park.

(4) Notice may be given from the telephone located at the moorings on each side of each bridge or by marine radiotelephone.

(m) *Bridges at Smith Point across Narrow Bay, Potunk Point across Quantuck Canal, Beach Lane across Quantuck Canal, Quoque across Quoque Canal and Ponquoque Point across Shinnecock Bay.* (1) The draws shall be open on signal from 8:00 a.m. to 4:00 p.m. from October 1 through April 30 and from 6:00 a.m. to 10:00 p.m. from May 1 through September 30.

(2) At all other times during these periods the draws shall open as soon as possible but no longer than one hour after a request to open is received.

[CGD 73-23, 39 FR 39721, Nov. 11, 1974; 39 FR 41362, Nov. 27, 1974]

### § 117.185 Hudson River, N.Y.; bridges at Albany and Troy.

(a) Except as provided in paragraph (h) of this section, the draws of each of the bridges shall be opened promptly when the prescribed signal for the opening of the draw is received from an approaching vessel which cannot pass under the closed draw.

(b) The draw of any bridge shall not be required to remain open for the passage of vessels for a period longer, consecutively, than 15 minutes. Upon being closed it may remain closed for a time sufficient to allow delayed land traffic to pass, but in no case for a period longer, consecutively, than 10 minutes if a vessel desires to pass, unless at the expiration of such period a train in motion having passed the derailing point is approaching the draw, which train shall be permitted to pass before opening of the draw: *Provided,* That no train shall be stopped on the bridge between the derailing points except in a case of great emergency, after which the draw shall be opened promptly for any vessel desiring to pass: *Provided further,* That these limitations shall not apply to any vessel of more than 500 tons burden, to any tug with a tow on a hawser, to single tows which require longer than 15 minutes to pass through the draw, or to vessels downbound during a freshet whose height exceeds an elevation determined upon by the District Commander.

(c) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(d) Vessels with tows shall not so approach a bridge as to attempt to pass the draw in succession without interval. They shall arrange their approach so as to cause no delay in closing the draw promptly for the relief of land traffic.

(e) The draw of a bridge shall not be required to be opened for the passage of vessels habitually using the river which have stacks, jack staffs, or flagstaffs exceeding 21 feet in height above the water line and which are otherwise capable of clearing the bridge when closed. If such vessels wish to pass the bridge the stacks, jack staffs, or flagstaffs must be so erected that they may be lowered to permit the passage under the bridge. Any tug or vessel passing the draw of a bridge as often as once a day for 10 consecutive days of any month shall be regarded as using the river habitually within the meaning of this paragraph. A failure to comply with such requirement by any tug or vessel after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug or vessel until such later time as may be convenient to the owner of or agency controlling the bridge.

(f) Vessels which are owned or controlled by the United States or by the police or fire departments of any of the neighboring cities or villages shall be passed without delay through the draws of any of the bridges on identification of such vessels.

(g) *Signals*—(1) *Call signals for opening of draw.* By vessels bound north: Three long blasts of the whistle or horn. By vessels bound south: Three long blasts followed by one short blast of the whistle or horn. If a vessel desires to pass through more than one bridge the call signal shall be repeated for each bridge. Private signals of towing or steamboat companies which may be mistaken by a bridge tender for call signals shall not be used.

(2) *Acknowledging signals by the bridge operator*—(i) *All bridges.* If the draw is to be opened, three long blasts of a whistle or horn. If the draw cannot be opened in time for the vessel to pass through safely, five short blasts of a whistle or horn.

(ii) *Additional visible signals to be displayed by the bridges at Albany.* The day signal shall be displayed at least 15 feet above the fixed day signal at the middle point of the drawspan and so as to be visible from both sides of the bridge. The night signal shall be displayed at least 15 feet above the fixed light at the center of the draw. The "fixed" signals referred to are those required by the regulations for lighting bridges prescribed by the United States Coast Guard (see Part 68 of this title). By day, if the draw is to be opened, the visible signal shall be a round ball not less than three feet in diameter and painted green, and if the draw is not to be opened, the visible signal shall be a latticework barrel-shaped sign five feet six inches high and four feet in diameter and painted red. By night, if the draw is to be opened, the visible signal shall be a green light from a standard marine lamp, and if the draw is not to be opened, the visible signal shall be a red light from a standard marine lamp.

(h) The general regulations contained in paragraphs (a) to (g), inclusive, of this section shall apply to all bridges except as modified by special regulations contained in this paragraph.

(1)-(2) [Reserved]

(3) *New York Central Freight Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31, unless notice has been given 24 hours in advance of the time a vessel may be expected to pass through.

(4)-(5) [Reserved]

(6) *Troy-Green Island Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31 of each year. From April 1 to December 15, inclusive, of each year, openings will be made for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(7) *112th Street Bridge.* The draw need not be opened for the passage of vessels during the period that the Federal Lock at Troy is inoperative: *Provided,* That provision is made for emergency operation of the bridge with the least possible delay upon receipt of oral or written notice. During the balance of the year, the bridge shall be opened for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

NOTE: The time specified in all cases is eastern daylight saving or eastern standard time, whichever is in force.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 72-97R, 37 FR 11566, June 9, 1972; CGD 72-240R, 37 FR 26518, Dec. 13, 1972]

### § 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) The draws of the following bridges need not open for the passage of vessels and the provisions of paragraphs (b) through (e) of this section shall not apply to these bridges.

(i) Arm of Eastchester Bay, City of New York highway bridge between Rodman Neck and City Island.

(ii) Bronx River, City of New York highway bridge at Westchester Avenue.

(iii) Bronx River, Penn Central railroad bridge north of Westchester Avenue.

(iv) Flushing Creek; Whitestone Parkway Bridge and the City of New York highway and rapid transit bridge at Roosevelt Avenue.

(v) Coney Island Creek; City of New York highway bridges at Harway (Cropsey) Avenue and at Stillwell Avenue and New York City Transit Authority bridge near Stillwell Avenue.

(vi) Richmond Creek; City of New York highway bridge at Richmond Avenue, Staten Island.

(vii) Peekskill (Annsville) Creek, Penn Central railroad bridge near Peekskill, New York.

(viii) Hudson River; State of New York highway (Troy-Menands) bridge between Albany and Rensselaer Counties.

(2) Wappinger Creek, N.Y.; Conrail railroad bridge at New Hamburg. The draw shall open on signal from May 15 through October 15 if at least eight hours notice is given and from October 16 through May 14 if at least 24 hours notice is given.

(3)-(4) [Reserved]

(5) Tonawanda Creek; Penn Central Railroad Company bridge between Tonawanda and North Tonawanda. From December 16 through March 31, the draw shall open on signal if at least 12 hours notice is given. From April 1 through December 15, the draw shall open on signal and shall be left in the fully open position whenever a drawtender is not in attendance.

(6) Tonawanda Inner Harbor (Little River); Penn Central Railroad Company bridge between Island Street, North Tonawanoa, and Tonawanda Island. The draw shall open on signal if at least 24 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 74-300, 40 FR 51637, Nov. 6, 1975; CGD 75-222, 42 FR 42199, Aug. 22, 1977; CGD 78-120, 44 FR 7951, Feb. 8, 1979]

### § 117.191 Navigable waters in the State of Vermont and their tributaries; bridges when constant attendance of draw tenders is not required.

(a) Lake Champlain; Vermont Department of Highways bridge across entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg. The draw shall open on signal if at least 24 hours notice is given.

(b) Lake Champlain; Missisquoi Bay, Central Vermont railroad bridge, mile 105.6:

(1) The draw shall open on signal from 7 a.m. to 11 p.m., from June 15 through September 15.

(2) The draw shall open on signal at all other times if at least 24 hours notice is given.

(3) Public vessels of the United States and Vermont Fish and Game Department vessels shall be passed through the draw as soon as possible at any time.

(c) Lake Champlain; Vermont Department of Highways bridge between Sandy Point, Grand Isle (South Hero Island) and Knights Point, North Hero Island.

(1) From May 15 through October 15 the draw shall open on signal from 7 a.m. to 9 p.m.

(2) From May 15 through October 15, the draw shall open on signal from 9 p.m. to 7 a.m. if at least four hours notice is given.

(3) From October 16 through May 14, the draw shall open on signal if at least 24 hours notice is given.

(4) During periods of advance notice requirements, the draw shall open as soon as possible for public vessels of the United States.

(d) The owners of or agencies controlling these bridges shall keep a copy of the regulations in this section pertaining to each bridge, and a notice stating how the advance notices required by this section, are to be given. This notice shall be conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 75-222, 42 FR 42199, Aug. 22, 1977, as amended by CGD 77-205, 44 FR 18664, Mar. 29, 1979]

### § 117.200 Newark Bay, Passaic and Hackensack Rivers, and their navigable tributaries; General Regulations.

(a) The draws shall be opened promptly, upon signal, for the passage of vessels during the day or night, except as prescribed in paragraph (c), (f), or (j) of this section.

(b) During the hours between 7:30 and 10:00 a.m. and between 5:00 and 7:30 p.m. drawbridges shall not be required to remain open longer than 10 minutes nor shall the passage of any vessel be delayed for longer than 10 minutes except as provided in paragraph (f) of this section.

(c) The draw of any bridge used solely for the United States mail, passenger, and express trains need not be opened for a vessel reaching said draw less than 5 minutes before the scheduled arrival of any such train until such train passes, unless the bridge tender has notice that the train is delayed more than 5 minutes. The owners of bridges acting under this rule shall maintain a tug at the drawbridge to control and aid in the passage of vessels.

(d) When a vessel approaches within signaling distance of a bridge for passage, the master thereof shall signify his intention by three blasts of a whistle or horn. For those bascule bridges that have two separate and distinct drawspans the approaching vessel shall signal for an opening of the bridge in the customary manner by three blasts of a whistle or horn, and this shall be followed after a short interval with one blast, if it is desired that the drawspan on the starboard hand as the vessel approaches be opened, or by two blasts if it is desired that the one on the port hand be opened. The signal of the craft shall be immediately answered by the tender or operator of the bridge. If the draw is ready to be immediately opened, the answer shall be three blasts of a whistle or horn from the bridge. In case of delay in opening the draw, as is provided for in this section, or as may be necessary by accident to the machinery or other contingency, the signal from the vessel shall be answered by two long blasts of a whistle or horn from the bridge. In all cases when delay signals have been given, a signal of three blasts of a whistle or horn shall be given as soon as it is possible to open the draw.

(e) Upon hearing or perceiving the signals prescribed, the tenders or operators of a drawbridge, except as provided in paragraphs (b), (c) and (f) of this section, shall at once open the draw signaled for so as to allow the prompt passage of any vessel or craft: *Provided*, That the bridge may not be opened when there is a train, wagon, or vehicle at the time passing over said drawspan, or a train approaching so closely that it cannot be safely stopped before reaching the bridge, but it shall be opened as soon as the drawspan can be cleared. In case the opening of the draw will be delayed under the provisions of paragraph (c) of this section the tug stationed at the draw shall immediately go to the assistance of the vessel.

(f) Each tug, towboat, barge and other small craft regularly and habitually navigating the aforementioned waterways shall be subject to inspection and measurement by the District Commander to determine which vessels, if any, would, by reasonable reductions in heights of masts and/or stacks, be capable of passing under the closed draw of any bridge affording at least vertical clearance of 35 feet at mean high water. The District Commander will notify the owners of such vessels as can be so modified, of the date by which the modifications shall be completed. In the event of the failure of said owners to comply with such notification, the District Commander will authorize the above bridge owners to delay opening their bridges, for the passage of said vessels, until convenient to do so, but on no occasion for more than 45 minutes: *Provided, however,* That such vessel shall not be so delayed when it has in tow another vessel or craft of such height as to require the opening of the bridge, or when, because of the stress of weather, prompt opening is necessary.

(g) Trains, vehicles, vessels or other watercraft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the drawspan or through the draw opening shall be in a manner to expedite both land and water traffic.

(h) The regulations in paragraphs (a) to (g) of this section apply only to commercial or pleasure vessels. Steamers or vessels employed or controlled by the United States Government, State government, or by municipal departments shall be passed without delay through the draws of said bridges at any hour of the day or night, upon giving four blasts of the whistle.

(i) Clearance gages of a type to be approved by the Commandant shall be provided by the owner of each bridge and be kept in good legible condition. Unless otherwise specified, such clearance gages shall consist of two board gages painted white with black figures not less than 9 inches high, which shall indicate the headroom clearances under the closed span at all stages of the tide. These gages shall be illuminated at night and during the time of fog, rain and snow. These gages shall be so placed that they will be plainly visible to the navigator of a vessel approaching the bridge either up or downstream.

(j) *Route 280 (Stickel) Bridge, mile 5.8 Passaic River.* The draw shall open on signal if at least eight hours notice is given. However, in an emergency the draw shall open on two hours notice.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 72-106R, 37 FR 11972, June 16, 1972; CGD 73-123R, 38 FR 15334, June 18, 1973; CGD 76-036, 41 FR 32217, Aug. 2, 1976; CGD 77-207, 43 FR 21881, May 22, 1978]

### § 117.210 Raritan River and Arthur Kill, and their navigable tributaries; bridges.

(a) All drawbridges spanning Raritan River and Arthur Kill, and their navigable tributaries, shall be opened promptly upon signal, for the passage of vessels during the day or night, except as prescribed in paragraph (b) of this section.

(b) During the hours between 7:30 and 10 a.m. and between 5 and 7:30 p.m. drawbridges shall not be required to remain open longer than 10 minutes nor be permitted to remain closed longer than 10 minutes to the exclusion of vessels approaching for passage: *Provided,* That the draw of any bridge used solely for United States mail, passenger, and express trains need not be opened for a vessel reaching said draw less than 5 minutes before the scheduled arrival of any such train, until such train passes, unless the bridge tender has notice that the train is delayed more than 5 minutes: *Provided further,* That the owners of bridges acting under this rule shall maintain a tug at the drawbridge to control and aid in the passage of vessels.

(c) When a vessel approaches within signaling distance of a bridge for passage, the master thereof shall signify his intention by three blasts of a whistle or horn. The signal shall be answered by three blasts of a whistle or horn from the bridge unless, under paragraph (b) of this section a delay in opening is permitted, when the answer from the bridge will be two blasts of whistle or horn, and the tug stationed at the draw shall immediately go to the assistance of the vessel.

(d) Upon hearing or perceiving the signals prescribed, the tenders or operators of a drawbridge, except as provided in paragraph (b) of this section shall at once open the drawspans of the bridge for the prompt passage of any vessel or craft: *Provided*, That the bridge may not be opened when there is a train, wagon, or vehicle at the time passing over said drawspan, or a train approaching so closely that it cannot be safely stopped before reaching the bridge, but it shall be opened as soon as the drawspan may be cleared.

(e) Wagons, vehicles, and trains shall not be stopped on a drawbridge or on a drawspan for the purpose of delaying the operation of the drawbridge, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspan, but all passage upon, through, or under a drawbridge shall be prompt, to prevent delay to either land or water communication.

(f) Paragraphs (a) to (e) of this section apply only to commercial or pleasure vessels. Steamers or vessels employed or controlled by the United States Government or by municipal departments shall be passed without delay through the draws of said bridges at any hour of the day or night upon giving four blasts of the whistle.

(g) Rahway River, mile 2.0, Central Railroad Company of New Jersey. The draw shall open on signal from 6 a.m. to 10 p.m., April 1 through November 30. At all other times the draw shall open on signal if at least 4 hours notice is given.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 73-196, 39 FR 31527, Aug. 29, 1974]

### § 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

(a) The owners of or agencies controlling drawbridges shall provide the appliances and the personnel necessary for the safe, prompt and efficient operation of the draws.

(b) Drawbridges shall be opened promptly for the passage of any vessel or other watercraft unable to pass under the closed spans, except as hereinafter provided.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signal.* Three distinct blasts of a whistle, horn or megaphone, or three loud and distinct strokes of a bell, sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signal.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

(d) Trains, automobiles, trucks, and other vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of these drawbridges, but all passage over drawspans or through draw openings shall be so as to expedite both land and water traffic.

(e) The owners of or agencies controlling these bridges shall provide and keep in good legible condition two board gages painted white, with black figures not less than 8 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on the bridge that they will be plainly visible to the operator of the vessel approaching the bridge either up or downstream.

(f) These drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure. Upon request, the District Commander in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting those waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(g) Copies of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can be easily read at any time.

(h)-(i) [Reserved]

(j) The general regulations contained in paragraphs (a) to (g) inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in this paragraph.

(1) Lemon Creek, N.Y.; the City of New York highway bridge at Bayview Avenue, Borough of Richmond, Staten Island, New York. The draw need not be opened for the passage of vessels between the hours of 4:00 p.m. and 8:00 a.m. from November 1, to March 31, inclusive, and between the hours of 10:00 p.m. and 6:00 a.m. from April 1, to May 15, inclusive, and from October 16, to October 31, inclusive.

(2) Shark River, N.J. (i) For the purposes of the regulations in this paragraph, the Route 71, the New York and Long Branch Railroad Company and the Route 35 bridges, being less than 800 feet apart, shall be considered and operated as a unit. The owners thereof shall provide and install, for uninterrupted service, systems of electric signals on their respective bridges, so connected that the operator of any of the bridges may thereby simultaneously notify, by signal, the operators of all the other drawbridges of the desire of any vessel or other watercraft to pass through the draws. The operator of the first bridge to be passed by an approaching vessel or other watercraft shall be responsible for observing the approach of such vessel or other watercraft toward the bridge, for receiving and acknowledging the signal or notice for passing, and for communicating to the operators of the other bridges, the intention of such vessel or other watercraft to pass.

(ii) Except as otherwise provided in paragraph (j)(2) (iii) and (iv) of this section from May 15, to September 30, inclusive, on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day, between the hours of 9:00 a.m. and 9:00 p.m., and on weekdays, between the hours of 4:00 p.m. and 7:00 p.m., the lift span of the Route 71, the New York and Long Branch Railroad Company and the Route 35 bridges shall not be required to open except at half-hourly intervals on the hour and half-hour, for those vessels or other watercraft waiting to pass through the draws, provided that when once opened the passage of any vessel or craft the said bridge or bridges shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting themselves for passage.

(iii) The draws shall be opened promptly on signal for the passage of vessels in the event of emergencies.

(iv) The draws shall be opened promptly at any time for the passage of vessels owned, controlled or employed by the United States Government, the State government or municipal and local governments.

(2-a) Shrewsbury River, Route 36 bridge near Highland Beach. The draw shall open on signal except that from Memorial Day through Labor Day on

Saturdays, Sundays, and holidays from 10 a.m. to 7 p.m., the draw need open only on the hour and one half hour if any vessels are waiting to pass.

(3) Shrewsbury River (South Branch), N.J. (i) Monmouth County bridge between the Boroughs of Rumson and Sea Bright. From May 15 to September 30, inclusive, of each year, on Saturdays, Sundays, Memorial Day, Independence Day, and Labor Day, between the hours of 11 a.m., e.d.s.t., and 7 p.m., e.d.s.t., openings of the draw shall be made only if necessary, every half-hour on the hour and half-hour.

(ii) The draw shall not be opened for a sailboat unless it is propelled by auxiliary power or is towed by a powered vessel.

(4) Route 35 drawbridge across Cheesequake Creek at Morgan, South Amboy, N.J.: The draw shall be opened promptly on signal at all times, except that between the hours of 7 a.m. to 7 p.m. from May 15 through October 15 the draw need be opened only on the hour.

(5) Debbies Creek, Manasquan, N.J. The draw shall open on signal except that from Memorial Day through Labor Day from 7 a.m. to 8 p.m. the draw need open only on the hour and half hour if any vessels are waiting to pass.

(6) New York and Long Branch railroad bridge across Cheesequake Creek. The draw shall open on signal except at the following times the draw shall open on signal only if at least four hours notice is given:

(i) 6 p.m. to 6 a.m. from January 1 through March 31.

(ii) 10 p.m. to 6 a.m. Monday through Thursday and midnight Sunday to 6 a.m. Monday from April 1 through April 30 and November 1 through November 30.

(iii) 10 p.m. to 6 a.m. from December 1 through December 31.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-24a, 35 FR 10758, July 2, 1970; CGD 72-178R, 38 FR 6390, Mar. 9, 1973; CGD 73-162, 40 FR 49327, Oct. 22, 1975; CGD 75-241, 41 FR 26009, June 24, 1976]

### § 117.220 New Jersey Intracoastal Waterway and tributaries; bridges.

(a) The New Jersey Intracoastal Waterway referred to in this section is defined as that waterway extending through the bays and thoroughfares on the eastern coast of New Jersey from Manasquan Inlet on the north to Cape May on the south, including Cape May Canal to Delaware Bay.

(b) When drawbridges are less than 1,000 feet apart they shall, for the purposes of this section, be considered and operated as a unit. The owners thereof shall provide and install, for uninterrupted service, systems of electric signals on their respective bridges, so connected that the operator of any bridge of the group may thereby simultaneously notify, by signal, the operators of all the other drawbridges of that group of the desire of the master of any vessel or other watercraft to pass through the draws. The operator of the bridge first in any group of bridges to be passed by an approaching vessel or other watercraft shall be responsible for observing the approach of such vessel or other watercraft toward that bridge, also for receiving the signal or notice for passing and for communicating, by means of the electric signals prescribed above, to the operators of the other bridges composing such group the purpose of such vessel or other watercraft to pass.

(c) Whenever any vessel or watercraft approaches a bridge affected by this section, and under which it cannot pass, the lawful signal of the desire of the master of the vessel or craft to pass through the draw opening shall be three blasts of a whistle or horn blown on the vessel or craft. These drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, District Commander will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting those waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner. Appurtenances unessential for navigation shall include but not be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(d) The draws in each and every bridge or group of bridges shall, upon the signal prescribed in paragraph (c) of this section, be promptly opened at any and all hours of the day or night, except as provided in paragraphs (m), (n), and (o) of this section, for the passage of any vessel, vessels, or other watercraft unable to pass safely beneath the draw when closed. For bridges crossing the New Jersey Intracoastal Waterway, failure of the draws to be fully opened within 4 minutes from the signal to open shall be considered a violation of the requirement for prompt opening, except as provided in paragraphs (m), (n) and (o) of this section.

(e) If a car, train of cars, or other vehicle is, at the time of receiving the signal prescribed in paragraph (c) of this section, approaching any draw so closely that it cannot be safely stopped before reaching such draw, two blasts of a whistle or horn shall be blown on the bridge. As soon thereafter as such draw shall be cleared, such draw or all draws comprised in any group of bridges concerned shall be promptly opened, and three blasts of a whistle or horn blown on the bridge to indicate such clearance.

(f) After the draw or draws of any bridge or group of bridges shall have remained open for a period of 10 minutes or for such shorter period as may be necessary for the passage of vessels or other watercraft waiting to pass, the draw or draws may be closed for the crossing of cars, trains, vehicles, or individuals, if any be waiting to cross. After being so closed for a period of 10 minutes or for such shorter times as may be necessary, the draw or draws shall be again promptly opened for the passage of vessels or other watercraft, if there be any desiring to pass.

(g) No vehicle, car, locomotive, or train shall be stopped on the drawspan of any bridge subject to this section; nor shall any such bridges carrying railway or tramway tracks be used for switching purposes, except those bridges for which special regulations are prescribed in paragraph (m) of this section; nor shall locomotives or trains be stopped in bridge blocks of railroad bridges in such manner as to hinder or delay the operation of any draw, except in cases of urgent necessity. Vessels shall not be so moored nor maneuvered as to delay or hinder unnecessarily closing the draw of any bridge. All passages of vessels and other watercraft through or under the drawbridges and all passage of cars, locomotives, trains and other vehicles over drawbridges shall be prompt and as rapid as practicable in order to avoid unnecessary delay to either land or water traffic.

(h) The owner or owners of each and every drawbridge covered by this section shall maintain in good and serviceable order the drawspan, together with the machinery and appliances required for operating the same, and the electric signal system prescribed in paragraph (b) of this section; shall provide such number of draw operators or tenders as may be found necessary to open and close the draws promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary for vessels to moor or make fast while waiting for the drawspan to be opened.

(i) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(j) At each opening of a draw full horizontal and vertical clearances shall be provided, regardless of the size or requirements of the passing vessel or other watercraft.

(k) The owner or owners of each and every bridge covered by this section shall provide and maintain in good legible condition two board gages, with figures not less than 6 inches high, the figures painted black on a white background, or vice versa, to indicate the vertical clearance under the closed drawspan at every bridge covered by this section shall be so placed on the ends of the drawspan fender that they shall be plainly visible to the master of a vessel or other watercraft approaching such bridge either upstream or downstream.

(l) The owner or owners of each and every bridge covered by this section shall cause to be kept a complete record of all openings of the draw and shall promptly report to the District Commander cases in which the drawspan has been required to remain open for an unreasonable length of time or to remain closed for more than 10 minutes after the prescribed signal to open the draw has been given.

(m) The provisions of paragraph (d) of this section shall be applicable to the bridge of the Pennsylvania-Reading Seashore Lines, over Beach Thorofare at Atlantic City, N.J., only between the hours of 11:00 p.m. and 6:00 a.m. daily. Between the hours of 6:00 a.m. and 11:00 p.m. this bridge shall be opened upon signal from any vessel or craft desiring to pass at any time during the periods from 20 to 30 minutes past each hour, but may remain closed during such periods if no vessel or craft give such signal, provided that when once opened for the passage of any vessel or craft the said bridge shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting itself for passage. Between such hours (6:00 a.m. and 11:00 p.m.) this bridge shall not be opened except as provided for in this paragraph.

(n) From June 1 to September 30, inclusive, the drawspan of the Albany Avenue bridge over Inside Thorofare at Atlantic City, N.J., shall be required to open only on the hour and half hour between 9 a.m. and 9 p.m., daily except that between 4 p.m. and 6 p.m., daily, the drawspan shall not be required to open for the passage of vessels or craft. When once opened for the passage of any vessel or craft during these hours the said bridge shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting themselves for passage.

(o) The draw of the Dorset Avenue bridge shall be opened promptly on signal from October 1 through May 30 and from 9:15 p.m. to 9:15 a.m. from June 1 through September 30. From 9:15 a.m. to 9:15 p.m. from June 1 through September 30 the draw need be opened only on the quarter and three-quarter hours for any vessels waiting to pass, however a public vessel on an emergency or a vessel in distress shall be passed promptly and if opened for such vessels the draw shall remain open sufficiently long to permit passage of any other vessels within at least 300 yards of the bridge that has signaled for its opening. The emergency or distress signal shall be four blasts of a whistle, horn, or siren.

(p) Barnegat Bay, New Jersey Route 37 highway bridge between Bay Shore and Seaside Heights. The draw shall open on signal except that from Memorial Day through Labor Day from 10:00 a.m. to 2:00 p.m. on Saturdays, Sundays, and holidays, the draw need open only on the hour and half hour. However, the draw shall open at any time for the passage of vessels with tows.

(q) The draw of the Route 52 (Ninth Street) bridge across Beach Thoroughfare at Ocean City shall open on signal except that from Memorial Day through Labor Day from 11 a.m. to 5 p.m. on Saturdays, Sundays and holidays, the draw need open only on the hour and half-hour if any vessels are waiting to pass. However, the draw shall open on signal at any time for public vessels of the United States, vessels in distress, or for vessels which have another vessel in tow.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-20a, 35 FR 11021, July 9, 1970; CGD 72-211R, 39 FR 14200, Apr. 22, 1974; CGD 79-012, 44 FR 54481, Sept. 20, 1979]

### § 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Overpeck Creek, Consolidated Rail Corporation and New York, Susquehanna and Western Railroad Company drawbridges. The draws of each bridge shall open on signal if at least 24 hours notice is given.

(1-a) [Reserved]

(1-b) Hackensack River, New Jersey Department of Transportation bridge at Little Ferry. At least 6 hours' notice is required.

(1-c) Hackensack River, N.J., Midtown Bridge, mile 16.5. The draws need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

(1-d) *Hackensack River.* The swing span of the Court Street bridge, mile 16.2, shall open on signal from 8 a.m. to midnight. From midnight to 8 a.m. the swing span shall open on signal if at least eight hours notice is given.

(1-e) *Hackensack River.* The swing span of the New York, Susquehanna, and Western railroad bridge, mile 16.3, need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

(2) *Passaic River.* Passaic and Bergen Counties highway bridges at Gregory Avenue, Second Street and West Eighth Street, Passaic. The draws need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to these bridges.

(2-a) Passaic River, Erie Lackawanna Railroad bridge between Newark and West Arlington, N.J. The draw need not be opened from 11 p.m. to 7 a.m. From 7 a.m. to 11 p.m., the draw shall be opened promptly on signal provided 8 hours' advance notice has been given.

(2-b) Passaic River, Highway Route 3 bridge at Rutherford. At least 6 hours' advance notice required.

(2-c) Passaic River, Erie Lackawanna railroad bridge at Lyndhurst. From 8 a.m. to 12 midnight the draw shall open on signal. From 12 midnight to 8 a.m. the draw shall open on signal if at least 6 hours notice has been given.

(3) *Elizabeth River.* (i) Central Railroad Company of New Jersey bridge and Union County bridges at Baltic Street, Summer Street, South Street, and Bridge Street in the city of Elizabeth. The draws need not open for the passage of vessels and paragraphs (b) through (e) of this section do not apply to these bridges.

(ii) Union County bridge at South First Street, city of Elizabeth. The draws shall open on signal if at least 3 hours' advance notice has been given.

(iii) Union County bridge at South Front Street, city of Elizabeth. From 7 a.m. to 12 midnight, the draw shall open on signal. From 12 midnight to 7 a.m., the draw shall open on signal if at least 3 hours' advance notice has been given.

(4) [Reserved]

(5) Woodbridge Creek; Middlesex County highway bridge and The Central Railroad Company of New Jersey

bridge at Maurer. At least four hours' advance notice required.

(6) Route 70 bridge across the Manasquan River at Brielle, Monmouth County, New Jersey. From 11 p.m. to 7 a.m. from December 1 through March 31 the draw shall open on signal if at least 12 hours notice is given. At all other times the draw shall open on signal.

(6-a) Route 52 bridge across Ship Channel, Great Egg Harbor Bay; New Jersey. The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given.

(7) Oceanport Creek; The New York and Long Branch Railroad Company bridge near Oceanport. At least four hours' advance notice required.

(8) Beaver Dam Creek; Ocean County highway bridge near Point Pleasant. At all times during January, February, March and December and between 4:00 p.m. and 8:00 a.m., during April, May, October and November, at least 24 hours' advance notice required. At all other times the regulations in § 117.220 shall govern the operation of this bridge.

(8-a) Bass River; New Jersey State Highway Department bridge on U.S. Route 9 at New Gretna. At all times during January, February, and December, and between 11 p.m. and 7 a.m. from March 1 to November 30, inclusive, at least 6 hours' advance notice required.

(9) Wading River, Burlington County Road 542, N.J. the draw shall open on signal if at least 24 hours' notice is given.

(10) Tuckahoe River; New Jersey State Highway Department bridge at Tuckahoe. At least 24 hours' advance notice required.

(11) Great Channel; Cape May County Bridge Commission bridge between Stone Harbor and Nummy Island. From November 1 to April 30, inclusive, at least 24 hours' advance notice required.

(11-a) Cape Island Creek; Cape May County highway bridge. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(12) Maurice River; New Jersey State Highway Department bridge near Millville. The draw need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) through (e) of this section shall not apply to this bridge.

(13) Manantico Creek; New Jersey State Highway Department bridge near Millville. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(14) Cohansey River; New Jersey State Highway Department bridge at Broad Street, Bridgeton. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

(15) Alloway Creek; Salem County highway bridges at Hancocks Bridge and at Upper Hancocks Bridge. At least 24 hours' advance notice required. New Jersey State Highway Department bridge at Quinton. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(15-a) Salem River, Route 49, Salem, N.J.; at least 24 hours' advance notice required.

(16) Oldmans Creek; Pennsylvania-Reading Seashore Lines railroad bridge near Pedricktown, Salem County highway bridge at Pedricktown and New Jersey State Highway Department bridge near Nortonville. The draws need not be opened for the passage of vessels and the special regulations contained in paragraph (b) and (e) of this section shall not apply to these bridges. Any or all of these bridges shall be restored to an operable condition within 6 months after notification by the Commandant to take such action.

(16-a) Raccoon Creek; Pennsylvania-Reading Seashore Lines railroad bridge at Bridgeport. At least four hours' advance notice required for opening this bridge during January, February and December between 10:00 p.m. and 6:00 a.m. on regular weekdays and at all times on Saturdays, Sundays and national holidays during these months.

(17) [Reserved]

(17a) Cooper River:

(i) State Street bridge, Penn Central railroad bridge at North River Avenue and Camden County Highway bridge at Federal Street in Camden. The draws of these bridges shall open on signal if at least 4 hours notice is given.

(ii) New Jersey State Highway Department bridge at Admiral Wilson Boulevard at Camden. The draw need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) through (e) of this section shall not apply to this bridge. However, it shall be restored to an operable condition within 6 months after notification by the Commandant to take such action.

(18) Delaware River (Back channel): CONRAIL bridge between Petty Island and Camden. The draw need not open and paragraphs (b) through (e) of this section shall not apply to this bridge.

(19) Rancocas River: Burlington County highway bridge and Pennsylvania Railroad Company bridge between Riverside and Delanco, New Jersey State Highway Department bridge at Bridgeboro, and Burlington County highway bridge at Centerton. Between 11:00 p.m. and 7:00 a.m. each day of the year the draws of these bridges need not be opened for the passage of vessels. At least 24 hours' advance notice required for opening these bridges between 7:00 a.m. and 11:00 p.m. during January, February, March and December.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 68-13, 33 FR 3172, Feb. 20, 1968; CGFR 70-55a, 35 FR 11301, July 15, 1970; CGFR 70-82a, 35 FR 14133, Sept. 5, 1970; CGFR 70-75a, 35 FR 14258, Sept. 10, 1970; CGFR 70-120a, 36 FR 1411, Jan. 29, 1971; CGFR 70-79a, 36 FR 7132, Apr. 15, 1971; 36 FR 7587, Apr. 22, 1971; CGFR 71-44a, 36 FR 21891, Nov. 17, 1971; CGD 73-75R, 38 FR 9590, Apr. 19, 1973; CGD 73-122R, 38 FR 15834, June 18, 1973; CGD 73-168, 38 FR 21631, Aug. 10, 1973; CGD 74-16R, 39 FR 4479, Feb. 4, 1974; CGD 74-17R, 39 FR 12865, Apr. 9, 1974; CGD 74-139, 39 FR 32987, Sept. 13, 1974; CGD 75-052, 40 FR 58857, Dec. 19, 1975; CGD 77-015, 42 FR 11237, Feb. 28, 1977; CGD 77-096, 43 FR 958, Jan. 5, 1978; CGD 78-061, 43 FR 41032, Sept. 14, 1978; CGD 78-74, 44 FR 1113, Jan. 4, 1979; CGD 78-140, 44 FR 59234, Oct. 15, 1979; CGD 79-079, 45 FR 15176, Mar. 10, 1980]

### § 117.227 Schuylkill and Delaware Rivers.

(a) *Signals.* The signal by a vessel requesting that a draw be opened on a drawbridge across the Schuylkill or Delaware Rivers will be 3 blasts on a horn or whistle. The bridge tender will reply with 1 blast when the draw can be opened immediately and with 4 or more blasts when there will be a delay. When the bridge is open and clear the bridge tender will sound 2 blasts.

(b) *Lights.* The foregoing signals by the bridge tender will be supplemented by the following lights in the center of the drawspan, on both the upstream and downstream sides of the bridge.

(1) Fixed amber light—bridge being prepared for opening. Flashing red light—bridge opening to be delayed.

(2) These supplementary operation lights shall not conflict with the fixed navigation lights required in Part 68 of this title.

(3) Supplementary operation lights are not required for bridges across the Schuylkill River.

(c) *Opening the draw.* The bridge tender, upon hearing or perceiving the prescribed signal, shall immediately clear the drawspan and open the draw to its full extent, except that:

(1) A railroad bridge need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, or within 5 minutes of the known time of the passage of a scheduled passenger, mail, or express train.

(2) The opening of a bridge may not be delayed more than 5 minutes for a highway bridge or 10 minutes for a railroad bridge after the sounding of the prescribed signal by a vessel.

(3) The draw need not be opened for the passage of tugs or other craft equipped with a movable stack or mast which can be readily lowered so as to permit its passage under the closed draw. Each tug, towboat, barge, and other small craft regularly navigating the Schuylkill River shall be subject to inspection and measurement by the

District Commander. The District Commander is hereby empowered to determine in each case whether or not the vessel shall be equipped with hinged or removable stacks, masts, and flagstaffs which can be lowered to enable the vessel to pass under the closed draw of any or all of the bridges. If the District Commander decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations. After the expiration of the time specified the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the closed draw or by reason of stress of weather it is unsafe to lower such stack or mast.

(d) *Interference with operation.* Vehicles and trains shall not be stopped on the drawspans, nor shall trains be stopped in the bridge blocks of railroad bridges in such a manner as to delay the operation of the draw, except in case of urgent necessity, nor shall vessels be moored to the bridge or so maneuvered as to unnecessarily hinder or delay the closure of the draw. All passages over, through, or under the bridges shall be prompt, to minimize delays to both land and water traffic.

(e) *Operating machinery.* All drawbridges shall be equipped with quick-operating power machinery for opening and closing the draw, and this machinery shall at all times be kept in good and effective working condition and manned by competent operators.

(f) *Clearance gages.* Those responsible for the maintenance of these bridges shall provide and keep in good legible condition two board gages, painted white with black figures 6 inches high, to indicate headroom clearances under the closed span at all stages of the tide. These gages will be placed at the ends of the drawspan fenders so that they will be visible to the navigator of a vessel approaching the bridge from either upstream or downstream.

(g) *Posted regulations.* Those responsible for maintaining each bridge shall keep posted on the upstream and downstream sides a copy of the regulations applicable to each bridge in this section and the telephone number(s) to call to reach the designated representatives.

(h) *Schuylkill River bridges; special regulations.* (1) All drawbridges across the Schuylkill River are subject to the provisions of paragraph (c) of this section with specific bridges subject to additional special regulations stated herein.

(2) The bridges at Passyunk Avenue maintained by the city of Philadelphia and at Tasker Street maintained by the Baltimore and Ohio Railroad and any others for which special regulations are not hereinafter prescribed will be opened at any time on signal.

(3) The bridges at Grays Ferry Avenue maintained by the Pennsylvania Railroad and the city of Philadelphia and the bridge at University Avenue maintained by the city of Philadelphia will be opened on signal from 8 a.m. to 4 p.m. and from 8 p.m. to 4 a.m., Monday through Friday. At all other times an advance notice of at least 2 hours will be required.

(4) The bridge near Christian Street maintained by the Pennsylvania Railroad requires an advance notice of at least 2 hours at all times before opening.

(i) *Delaware River bridges; special regulations.* (1) The drawbridges across the Delaware River will open at any time on signal, except as provided for in paragraph (c) of this section.

[CGFR 67-76, 33 FR 629, Jan. 18, 1968]

### § 117.228 Darby Creek, Pa., The Pennsylvania Railroad Co., and Reading Co. bridges near Essington

(a) The owners of or agencies controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Between 11:00 p.m. and 7:00 a.m. each day from May 15 to October 15 inclusive, the draws of these bridges need not be opened for the passage of vessels.

(c) Between 7:00 a.m. and 11:00 p.m. each day from May 15 to October 15, inclusive, the bridges will be opened upon signal from an approaching vessel or vessels at 7:15 a.m., 10:30 a.m., 1:00 p.m., 3:00 p.m., 7:30 p.m., and 10:30 p.m. and at other times on signal during these hours if such openings will not unduly delay railroad operations. Any vessel which may have passed through one of these bridges shall be passed through the draw of the other bridge without delay. When once opened for the passage of any vessel or craft the said bridges shall remain opened sufficiently long to permit the passage through both bridges of all vessels or craft which may be engaged in passing and all accumulated vessels presenting themselves for passage.

(d) From October 16 to May 14, inclusive, whenever a vessel unable to pass under the closed bridges desires to pass through the draws, 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling each of the bridges to insure prompt opening thereof at the time required. On receipt of such advance notice the authorized representative, in compliance therein, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(e) In an emergency, the drawspans of these bridges will be opened as soon as possible after notification.

(f) The owners of or agencies controlling these bridges shall provide and keep in good legible condition two board gages of a type to be approved by the Commandant to indicate the controlling minimum vertical clearance under both closed drawspans at all stages of the tide. These gages shall be so placed on the upstream and downstream ends of the right channel drawspan piers or fenders so that they will be plainly visible to the navigators approaching from either direction.

(g) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with information as to whom notice should be given, as specified in paragraphs (d) and (e) of this section, when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(h) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

### § 117.229 Chester Creek (Front Street) Pa.

(a) The draw shall open on signal if at least 24 hours notice is given.

(b) The owner or agency controlling this bridge shall conspicuously post a notice stating how the authorized representative may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6 (g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 77 101, 43 FR 956, Jan. 5, 1978]

### § 117.230 Brandywine River, Del.; bridges.

(a) *Seventh Street bridge, Wilmington, Del.* (1) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(2) The owner of or agency controlling the bridge shall provide the appliances and the personnel necessary for the safe, prompt and efficient opening of the draw at any time during the day or night, except as provided in paragraph (a)(5) of this section, for the passage of any vessel or other watercraft which cannot pass under the closed draw, when the following signal is received: Three blasts of a whistle or horn. When the draw of the bridge can be opened immediately, the draw tender shall reply by two blasts of a whistle or horn. When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by one blast of a whistle or horn.

(3) Vehicles shall not be stopped on the drawspan, in such manner as to delay the operation of the draw except in case of urgent necessity, nor shall vessels be moored to the bridge fenders or so maneuvered as to unnecessarily hinder or delay the closing of the draw, but all passage over, through, or under the bridge shall be prompt to avoid delay to either land or water traffic.

(4) The owner of or agency controlling the bridge shall provide and keep in good legible condition two board

gages painted white with black figures not less than 6 inches high, to indicate the headroom clearance under the closed span at all stages of the tide. These gages shall be so placed on the ends of the drawspan fenders that they will be plainly visible to the navigators of a vessel approaching the bridge from either direction.

(5) At least 24 hours' advance notice will be required for opening this bridge at all times during January, February, March and December and between 8:00 p.m. and 6:00 a.m. from April to November, inclusive.

(i) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(ii) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(iii) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the representative specified in paragraph (a)(5)(i) of this section may be reached.

(iv) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(b) *Pennsylvania Railroad bridge above Seventh Street and Highway bridges at Church Street and Sixteenth Street, Wilmington, Del.* (1) The draws of these bridges need not be opened for the passage of vessels.

(2) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the respective bridges, in such manner that it can easily be read at any time, a copy of the regulations in this paragraph.

**§ 117.235 Christina River, Del.; bridges.**

(a) The owners of or agencies controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient opening of the draws at any time during the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draws.

(b) Except as otherwise provided in paragraphs (g) and (h) of this section, the bridge tender upon hearing or perceiving the prescribed call signal shall immediately clear the drawspan and open the draw to its full extent for the passage of the vessel or other craft: *Provided*, That the draw of a railroad bridge need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, nor within 5 minutes of the known time of passage of a scheduled passenger, mail, or express train; but in no event, except in case of breakdown of the operating machinery, shall the opening of the draw be delayed more than 5 minutes in the case of a highway bridge, nor more than 10 minutes in the case of a railroad bridge.

(c)(1) *Call signal for opening of draw.* Three blasts of a whistle or horn.

(2) *Acknowledging signal*—(i) *When the draw can be opened immediately* Two blasts of a whistle or horn.

(ii) *When the draw cannot be opened immediately, or when it is open and is to be closed immediately.* One blast of a whistle or horn.

(d) Vehicles, street cars, locomotives, and trains shall not be stopped on the drawspan, nor shall locomotives or trains be stopped in the bridge blocks of railroad bridges in such manner as to delay the operation of the draws, except in case of urgent necessity, nor shall vessels be moored to the bridge fenders or so maneuvered as to unnecessarily hinder or delay the closing of the draw, but all passages over, through, or under the bridges shall be prompt, to avoid delay to either land or water traffic.

(e) The owners of, or agencies controlling, the bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 6 inches high, to indicate the headroom clearance under the closed span at all stages of the tide. These gages shall be so placed on the ends of the drawspan fenders that they will be plainly visible to the navigators approaching from either direction.

(f) The foregoing general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) and (h), of this section, prescribed to provide for closed or open periods when land or water traffic predominates and for the operation of a particular bridge on advance notice.

(g)(1) The owners of or agencies controlling the bridges listed in subparagraph (6) of this paragraph will not be required to keep draw tenders in constant attendance.

(2) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(3) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(4) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations together with a notice stating exactly how the representative specified in paragraph (g)(2) of this section may be reached.

(5) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(6) The bridges to which the special regulations in this paragraph apply, the periods when draws need not be operated and advance notice required, are as follows:

(i) *Pennsylvania Railroad Company bridge at Mile 4.12, Reading Company bridge at Mile 4.15 and Pennsylvania Railroad Company bridge at Mile 5.38.* Between 8:00 p.m. and 6:00 a.m. the draws need not be opened for the passage of vessels. Between 6:00 a.m. and 8:00 p.m., at least 24 hours' advance notice required.

(ii) Delaware State Highway Department bridge at Newport. At least 24 hours' advance notice required.

(h) *Closed periods.* The Third Street, Walnut Street and Market Street bridges shall not be required to open for the passage of vessels between 7:00 a.m. and 8:00 a.m. and between 4:30 p.m. and 5:30 p.m., except on Sundays and legal holidays: *Provided,* That any vessel which has passed through one or more of these three bridges immediately prior to a closed period and will require passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of such bridge or bridges without delay: *Provided further,* That in time of flood or other emergency the closed periods may be suspended or modified by the District Commander.

### § 117.235a Chesapeake and Delaware Canal, Del.; Penn Central Railroad vertical lift bridge.

(a) When any vessel is unable to pass under a closed drawbridge of the Chesapeake and Delaware Canal, the opening signal shall be three blasts.

(1) If the drawspan is to be opened immediately: One blast.

(2) If the drawspan is not ready to be opened: Four blasts.

(3) When the drawspan is open and clear for vessel passage: Two blasts.

(b) The sound signals listed in paragraph (a) of this section shall be supplemented by the following light signals in the center of the drawspan on both upstream and downstream sides of the bridge.

(1) When the drawspan is to be opened immediately: One fixed amber light.

(2) When the drawspan is not ready to be opened: One flashing red light.

(c) This bridge is equipped with an FM radiotelephone station and when communications have been established between an approaching vessel and the draw tender, the request for bridge opening and answering acknowledgment may be given by radiotelephone and sound signals shall not be required.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 68-162, 34 FR 839, Jan. 18, 1969, as amended by CGD 74-72, 40 FR 19471, May 5, 1975]

### § 117.236 Appoquinimink River, Del.; Delaware State Highway Department bridge at Fennimores, Del.

(a) The owner of this bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of the bridge.

(c) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

### § 117.237 St. Jones River, Del.; Delaware State Highway Department bridges at Barkers Landing and at Lebanon.

(a) The owner of or agency controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draws, at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridges to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

### § 117.237a Mispillion River, Delaware; Delaware State Route 14 bridge at Washington Street, Milford.

(a) The owner of or agency controlling this bridge will not be required to keep a drawtender in constant attendance.

(b) The draw shall open on signal if at least 2 hours' notice has been given.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representatives specified in paragraph (b) of this section may be reached.

(d) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 68-85, 33 FR 11543, Aug. 14, 1968, as amended by CGFR 71-164a, 37 FR 5295, Mar. 14, 1972]

### § 117.237b Lewes and Rehoboth Canal, Del.; Delaware State Highway Department bridges at Rehoboth.

(a) From May 1 through October 31 from 7 a.m. to 8 p.m. the draws shall open on signal.

(b) From May 1 through October 31 from 8 p.m. to 7 a.m. the draws shall open on signal if at least 2 hours notice has been given.

(c) From November 1 through April 30 the draws shall open on signal if at least 24 hours notice has been given.

(d) The owner of or agencies controlling each bridge shall conspicuously post notices containing the substance of these regulations both upstream and downstream of the drawbridge on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 71-164b, 37 FR 13258 July 6, 1972]

### § 117.238 Smyrna River, Del.

(a) *Fleming Landing highway bridge.* At least 24 hours' advance notice shall be given to New Castle County Division Engineer, Delaware State Highway Department, Bear, Del. In all other respects the regulations contained in § 117.245(a) through (e) shall govern the operation of this bridge.

[CGFR 68-91, 33 FR 11544, Aug. 14, 1968]

### § 117.240 Navigable waters discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, Del.), and into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, La.), except the Mississippi River and its tributaries and outlets; bridges.

(a) Corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) If the weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw, three distinct blasts of a whistle or horn shall be sounded or three calls through a megaphone shall be made from the vessel when within reasonable hearing distance of the bridge.

(1) When the draw of the bridge can be opened immediately, the drawtender shall reply by three distinct blasts of a whistle or horn, by three calls through a megaphone, or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the drawtender shall reply by four or more short, distinct blasts of a whistle or horn, by four or more calls through a megaphone, or by four or more loud and distinct strokes of a bell (danger signal).

(c) When weather conditions prevent hearing the sound signals when a vessel approaches a drawbridge and desires to pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length a lighted lantern at night and a flag by day.

(1) When the draw of the bridge can be opened immediately, the drawtender shall reply by raising and lowering in vertical plane a number of times a lighted lantern at night and a flag by day.

(2) When the draw of the bridge cannot be opened immediately or

when the bridge is open and is to be closed immediately, the drawtender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(d) When a vessel wishes to pass two or more bridges close together or crossing a section of the waterway less than 500 feet in length, signals as prescribed above shall be given from the vessel for opening the first bridge, followed at an interval of about five seconds by the same signals for the second bridge, and so on, thus giving, at intervals of about five seconds, separate signals for each bridge the vessel desires to pass.

(e) When two or more vessels are approaching a bridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw, and the drawtender shall reply as prescribed and in turn to the signal of each vessel.

(f) Where bridges are less than 500 feet apart, the signals to govern the movements of the approaching vessel shall be given from the bridge nearest the vessel. If the bridge can be opened immediately, the bridgetender shall await the reply signals from the other bridges and then give the signal circumstances require. If the nearest bridge cannot be opened immediately, the prescribed signal shall be given the approaching vessel at once to be followed as soon as possible by the signal from that bridge that the draws are about to open.

(g) The draw shall be opened with the least possible delay upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(h) When a bridgetender is about to close a draw, he shall sound four or more short, distinct blasts of a whistle or horn, four or more calls through a megaphone, or four or more loud and distinct strokes of a bell (danger signal).

(i) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(j) The following provisions shall not relieve the owner of or agency controlling a drawbridge from opening the draw for the passage of vessels in accordance with paragraphs (a) through (i) of this section.

(1) A vessel shall not require the opening of the draw when such opening is needed only to provide additional clearance for appurtenances unessential to navigation of the vessel, or for appurtenances essential to navigation but which may be altered by hinging, telescoping, collapsing, or otherwise, so as to require no greater clearance than the highest fixed and essentially unalterable point of the vessel.

(2) Appurtenances unessential to navigation shall include but not be limited to fishing outriggers, radio antennae which are or can reasonably be made flexible or collapsible, television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation shall not include radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks, derrick substructures and/or buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment clearly necessary to the intended use of the vessel.

(3) Owners of or agencies controlling drawbridges shall report to the District Commander in charge of the locality the names of any vessels causing bridge openings considered to be in violation of this paragraph. The District Commander may at any time cause an inspection to be made of any craft so reported and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Commander decides a vessel has appurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making

necessary alterations. If the vessel owner is aggrieved by the decision of the District Commander, he may within 30 days after receipt of the request to perform necessary alterations appeal the decision to the Commandant in writing. If the Commandant rules that an appurtenance is unessential to navigation, the District Commander shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the vessel in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this paragraph unless the necessary alterations shall have been made.

(4) The provisions of paragraphs (j) (1), (2) and (3) of this section shall not be applicable to ocean or coastwise vessels engaged in foreign or domestic commerce.

(k) Clearance gages, of a type to be approved by the Commandant, shall be installed on the upstream and downstream sides of each drawbridge by and at the expense of the owner of or agency controlling the bridge and such gages shall be kept in good repair and legible condition.

NOTE: The special regulations contained in §§ 117.237(b) and 117.245 to 117.491, prescribed where local conditions require to govern the operation of certain bridges, supplement the general regulations contained in § 117.240.

### § 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth, in paragraphs (f) to (j) inclusive, of this section. At all times not covered by the regulations in this section, and in all other respects, the regulations contained in § 117.240 shall govern the operation of these bridges.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(f) *Waterways discharging into Chesapeake Bay.* (1) Susquehanna River, Md.; The Pennsylvania Railroad Company bridge at Perryville. At least 24 hours' advance notice required.

(2) Bohemia River, Md.; Maryland State Roads Commission bridge at Cayots. From May 30 to September 30, inclusive, except on Saturdays, Sundays, State and Federal holidays, between sunrise and sunset, and from October 1 to May 29, inclusive, except between the hours of 7:00 p.m. on Fridays and 7:00 a.m. on Mondays, inclusive, the draw will not be required to be opened except upon 3 hours' advance notice. From October 1 to May 29, inclusive, between the hours of 7:00 p.m. on Fridays and 7:00 a.m. on Mondays, inclusive, the draw will not be required to be opened except upon advance notice given prior to 7:00 p.m. on Friday. From May 30 to September 30, inclusive, between sunrise and sunset

on Saturdays, Sundays, State and Federal holidays, the regulations contained in § 117.240 shall govern operation of this bridge.

(3) Bush River, Md.; The Pennsylvania Railroad Company bridge at Bush River. From June 1 to September 30, inclusive, the draw will be required to be opened not more than two times each day on Saturdays and Sundays only between 10:00 a.m. and 5:00 p.m., on receipt of at least 24 hours' advance notice from the duly authorized representative of the Bush River Boat Club. At all other times the draw need not be opened for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the representative of the Bush River Boat Club may be reached.

(4) Chester River, Md.; Maryland State Roads Commission bridge at Chestertown. From October 1 to March 31, inclusive, and between 6 p.m. and 6 a.m. from April 1 to September 30, inclusive, at least six hours' advance notice required. Between 6 a.m. and 6 p.m. from April 1 to September 30, inclusive, the regulations contained in § 117.240 shall govern operation of this bridge.

(5) Bear Creek, Md.; The Baltimore County Revenue Authority highway toll bridges between Dundalk and Sparrows Point, Miles 1.3 and 1.8. Between the hours of 12 midnight and 8:00 a.m., inclusive (except Saturdays, Sundays, and the national and State legal holidays between April 16 and November 15 inclusive), at least one-half hour advance notice required.

(5-a) Bear Creek, Md.; the Baltimore County highway bridge at Wise Avenue. At least 4 hours' advance notice required.

(5-b) Middle Branch, Patapsco River (Spring Garden Channel) Baltimore, Md., Western Maryland Railway bridge. The draw shall open promptly on signal from 7 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except on legal holidays. At all other times including legal holidays at least 6 hours' notice is required except for marine firefighting equipment and pollution control vessels which shall be passed as soon as possible but in no event more than 15 minutes after notification that such an opening is required.

(6) Curtis Creek, Md.; I-695 drawbridge. The draws shall open on signal if at least one hour notice is given to the Maryland Transportation Authority.

(7) [Reserved]

(8) Dorseys Creek, Md.; United States Naval Academy highway and railroad bridges; Maryland State Roads Commission bridge and Baltimore and Annapolis Railroad Company bridge at Annapolis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(9) Weems Creek, Md.; Anne Arundel County highway bridge at West Annapolis. From October 1 to April 30, inclusive, and between sunset and sunrise from May 1 to September 30, inclusive, at least five hours' advance notice required.

(10) South River, Route 2 drawbridge at Edgewater, Maryland. (i) From April 1 through November 30, Monday through Friday, except Federal holidays, the draw shall open on signal except that the draw need not open from 7:30 a.m. to 9 a.m., and from 4:30 p.m. to 6 p.m.

(ii) From April 1 through November 30, on Saturdays, Sundays and Federal holidays, the draw shall open on signal from 9 p.m. to 9 a.m., and on the hour and half hour from 9 a.m. to 9 p.m., if any vessels are waiting to pass.

(iii) From December 1 through March 31, the draw shall open on signal, if at least three hours notice is given.

(11) Choptank River, Denton, Md., highway bridge, State route 404. Three (3) hours' advance notice is required for openings between the hours of 6 p.m. and 6 a.m. At all other times the draw shall be opened promptly on signal.

(12) Choptank River, Md.; the Pennsylvania Railroad Co. bridge at Denton. The draw shall, upon signal, be opened for the passage of vessels from May 30 through September 30, inclusive, between sunrise and sunset. Between sunset and sunrise from May 30 through September 30, inclusive, and during all hours between October

1 and May 29, inclusive, the draw will be opened upon 4 hours advance notice.

(13) Marshyhope Creek, Md.; Maryland State Roads Commission bridge at Brookview. The draw need not be opened for the passage of vessels and paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge. Paragraph (e) of this section shall apply to this bridge only to the extent that the operating machinery of the draw shall be maintained in a serviceable condition.

(13-a) Nanticoke River, Del.; Pennsylvania Railroad Company bridge at Seaford. From May 1, to September 30, inclusive, between the hours of 8:00 p.m. and 8:00 a.m., the draw will not be required to be opened. From October 1, to April 30 inclusive, the draw will not be required to be opened except on 4 hours' advance notice. From May 1, to September 30, inclusive, between the hours of 8:00 a.m. and 8:00 p.m., inclusive, the regulations contained in § 117.240 shall govern operation of this bridge.

(14) Broad Creek River, Del.:

(i) Highway bridges at Poplar Street and U.S. 13A, and Penn Central railroad bridge at Laurel. At least 4 hours' advance notice is required at all times.

(ii) Delaware State Highway Department bridge, Delaware Avenue at Laurel. The draw need not be opened for the passage of vessels, and paragraph (b), (c), and (d) of this section shall not apply to this bridge.

(15) Patuxent River, Md.; Maryland State Roads Commission bridge at Benedict. Between 6:00 p.m. and 6:00 a.m. (local time), advance notice required, to be given verbally or by telephone to the Toll Captain at the Administration Building at the east end of the bridge before 6:00 p.m. The owner of or agency controlling the bridge shall keep a complete record of all openings of the draw in such form as may be prescribed by the District Commander, and shall report to him all cases where the draw has been required to be kept open for an unreasonable length of time.

(16) Sinepuxent Bay, Ocean City, Md., U.S. Route 50 bridge. The draw shall open on signal, except that:

(i) From October 1 through April 30 at least 3 hours' notice is required from 6 p.m. to 6 a.m. and

(ii) From May 25 through September 15, from 9 a.m. to 10 p.m. the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of 5 minutes to permit accumulated vessels to pass.

(16-a) Wicomico River (North Prong), Maryland; Maryland State Roads Commission bridges at Main Street and U.S. Route 50. The draws need not be opened for the passage of vessels between the hours of 8:00 a.m. and 9:00 a.m., 12 noon and 1:00 p.m., and 4:30 p.m. and 5:30 p.m.

(17) Pocomoke River, Md.; Maryland State Roads Commission bridge at Snow Hill. At least five hours' advance notice required.

(18) Pocomoke River, Md.; Maryland Department of Transportation drawbridge at Pocomoke, Md. The draw need not open from 10 p.m. to 6 a.m. At all other times the draw shall open on signal.

(19) Kinsale Creek, Va.; Virginia Department of Highways bridge at Kinsale. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(20) Great Wicomico River, Va.; Virginia Department of Highways bridge at Tipers Ferry. Between 6:00 p.m. and 6:00 a.m., advance notice required to be given to the draw tender on duty at the bridge before 6:00 p.m.

(21) Chickahominy River, Va.; Virginia Department of Highways at Barrets Ferry. The draw shall open on signal from 7 a.m. to 11 p.m. and shall open on signal from 11 p.m. to 7 a.m. if at least 12 hours' notice has been given.

(22) Cat Point Creek, Va.; Virginia Department of Highways bridge near Warsaw. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(22-a) Mattaponi River, Va. (i) Virginia Department of Highways bridge on Route 629 at Walkerton. At least 24 hours' notice required. The drawtender service shall be increased to the degree determined to be adequate within 30 days after written notification is received from the District Commander to take such action.

(ii) Virginia Department of Highway bridge on Route 33 at West Point. At least 24 hours' notice required at all times.

(23) Chuckatuck Creek, Va.; Virginia Department of Highways bridge on U.S. Route 17 between Nansemond and Isle of Wight County. The draw shall open on signal if at least two hours notice is given. If an emergency exists the draw shall open as soon as possible.

(23-a) Lafayette River, Granby Street bridge. The draw of this bridge need not be opened for the passage of vessels and paragraphs (a) through (e) of this section shall not apply to this bridge.

(24) Elizabeth River, Eastern Branch, Va.; City of Norfolk highway bridge (Campostella Bridge) at Norfolk. Between 7:35 a.m. and 7:50 a.m., on week days only, the draw need not be opened except for the passage of tugs with tows.

(25) Elizabeth River, Western Branch, Va.; Atlantic Coast Line Railroad Company bridge at Bruce. Between 1:00 a.m. and 6:00 a.m., from April 1 to October 31, inclusive, at least 8 hours' advance notice required. Any vessel operator intending to make a return passage through the bridge during this period shall notify the bridge tender prior to 6:00 a.m. of the time he desires to make the return passage and the draw shall be opened at the specified time. From November 1 to March 31, inclusive, at least 4 hours' advance notice required.

(26) Elizabeth River, Western Branch, Va.; Virginia Department of Highways bridge at Hodges Ferry. At least 8 hours' advance notice required.

(26-a) Elizabeth River, Southern Branch, Va.; Virginia Department of Highways bridge at Chesapeake. A 24-hour advance notice is required at all times.

(26-b) Elizabeth River, Southern Branch, Va. The draw of the Norfolk and Western Railroad bridge at mile 3 shall be maintained in the fully open position except the draw may close for the crossing of trains and the maintenance of the bridge. When the draw is closed, there shall be a drawtender present and the provisions of § 117.240 shall apply to this bridge.

(27) [Reserved]

(28) Nansemond River, Western Branch, Va.; Virginia Department of Highways bridge at Reid's Ferry. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(28-a) Nansemond River, Va.; Virginia Department of Highways bridge on U.S. Route 460 at Suffolk. At least 12 hours' advance notice required.

(29) Appomattox River, Va.; Seaboard Air Line Railroad Company bridge near Hopewell. At least 24 hours' advance notice required, such notice to be given to the Seaboard Air Line Railroad Agent at Hopewell, Virginia: *Provided,* That a drawtender shall be placed in constant attendance, on 30 days' notice in writing from the District Commander.

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* (1) Pasquotank River, N.C.; Norfolk Southern Railway Company bridge at Elizabeth City; from 3:30 p.m. to 11:30 p.m., the bridge will be operated in full open position. Between 11:30 p.m. and 3:30 p.m., the regulations prescribed in § 117.240 shall govern the operation of the drawspan.

(1-a) Perquimans River, mile 12.0, U.S. highway 17 drawbridge at Hertford, N.C. The draw shall open on signal, except that from midnight to 8 a.m., from April 1 through September 30, and from 10 p.m. through 10 a.m., from October 1 through March 31, the draw need not open for the passage of vessels.

(2) Kendrick (Mackay) Creek, N.C.; Norfolk Southern Railway Company bridge at Mackeys. The draw need not be opened for the passage of vessels, and paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge: *Provided,* That the bridge owner will restore attendance, when, in the opinion of the Commandant, U.S. Coast Guard, vessel traffic warrants service.

(2-a) Seaboard Coast Line railroad bridge across the Roanoke River near Palmyra, N.C. The draw need not be opened for the passage of vessels and paragraphs (a) through (e) of this section shall not apply to this bridge provided that the draw shall be returned to full operation within 6 months after notification of the owner by the Commandant to take such action.

(3) Scuppernong River; North Carolina State Highway Commission bridge at Columbia.

(i) The draw shall open on signal if at least 24 hours notice is given. However, the draw shall open as soon as possible in case of an emergency involving danger to life or property and for commercial fishing vessels unable to pass under the closed draw.

(ii) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in such a manner that they can easily be read at anytime from an approaching vessel, a résumé of these regulations, together with a notice stating exactly how and to whom requests for draw openings shall be made.

(iii) The draw of the bridge shall be returned to unrestricted operation within 6 months after notification to the owners by the Commandant to take such action.

(3-a) [Reserved]

(3-b) Blackwater River, Va.; Virginia Department of Highways bridge on Route 189 at South Quay. At least 24 hours' advance notice required.

(4) Pamlico and Tar Rivers, N.C., North Carolina State Highway Commission bridges at Washington and near Grimesland. At least 24 hours' advance notice required: *Provided*, That the bridge owner will restore constant attendance when, in the opinion of the District Commander, river traffic warrants additional service.

(5) Neuse River, N.C.; Atlantic and East Carolina Railway Company bridge at Kinston and drawbridges upstream therefrom. At least 24 hours' advance notice required.

(6) Seaboard Coast Line railroad bridge across the Trent River near Pollocksville, N.C. The draw need not be opened for the passage of vessels and paragraphs (a) through (e) of this section shall not apply to this bridge provided that the draw shall be returned to full operation within 6 months after notification of the owner by the Commandant to take such action.

(7) Newport River, N.C.; Atlantic and East Carolina Railway Company bridge at Newport. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(8) New River, N.C.; Atlantic Coast Line Railroad Company bridge at Jacksonville. At least 24 hours' advance notice required.

(9) Smiths Creek, N.C.; North Carolina State Highway and Public Works Commission bridge in Wilmington. At least 24 hours' advance notice required.

(10) Northeast River, N.C.; Atlantic Coast Line Railroad Company bridge at Castle Hayne. Between 7:30 a.m. and 4:30 p.m. Monday through Friday of each week, the draw will be opened for the passage of vessels on signal. At all other times, the draw will be closed and the bridge unattended: *Provided*, That the draw will be opened for tugs with tows upon 24 hours' advance notice.

(11) [Reserved]

(12) Pee Dee River, S.C.; Seaboard Air Line Railway Company bridge near Poston. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(12-a) Pee Dee River, S.C.; Seaboard Coastline Railroad bridge at Pee Dee, S.C. The draw need not be opened for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

(13) [Reserved]

(14) Black River, S.C.:

(i) South Carolina State Highway Department bridge near Georgetown. The draw shall open on signal if at least 12 hours' notice has been given.

(15) Congaree River, S.C. Southern Railroad swingspan at Moye's Station. At least 24 hours notice is required.

(16) Wando River, S.C.; South Carolina State Highway Department bridge near Cainhoy. At least 12 hours' advance notice required.

(17) Cooper River, S.C., Seaboard Coast Line Railroad bridge near Cordesville. The draw shall open on

signal from 7 a.m. to 12 noon and from 1 p.m. to 4 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given.

(17 a) Durham Creek, S.C., South Carolina Electric & Gas Co., railroad bridge. The removable span shall be removed to allow the passage of dredges and construction equipment provided 20 days advance notice has been given. When notified by the city of Charleston, S.C., of an emergency in the Bushy Park Reservoir the span shall be removed as soon as possible to permit the passage of dredges and construction equipment.

(18) Ashley River, S.C.; South Carolina State Highway Department bascule bridges at mile 2.4 and mile 2.5 above the mouth of the river at Charleston. Between 7:00 a.m. and 9:00 a.m., Monday through Friday, and between 4:00 p.m. and 7:00 p.m., daily, at least 12 hours' advance notice required: *Provided*, That the draw shall be opened at any time for a vessel in an emergency involving danger to life and property. Such emergency shall be indicated by four blasts of the signalling device.

(19) Ashley River, mile 12.0, Seaboard Coast Line Railroad bridge, near Drayton Hall, S.C. The draw shall open on signal from 7 a.m. to 11 p.m. At all other times the draw shall open on signal if at least three hours notice is given.

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* (1) Rantowles Creek, S.C.; Atlantic Coast Line Railroad Company bridge near Rantowles. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(2) [Reserved]

(3) Ashepoo River, S.C.; South Carolina State Highway Department bridge at Brickyard Ferry near Bennetts Point. At least 24 hours' advance notice required. Any vessel navigating Ashepoo River with the intention of making repeated trips shall notify the authorized representative of the owner of or agency controlling the bridge of the expected frequency of such trips. The bridge shall then be maintained in readiness to open promptly upon signal from the vessel without any further notice. Repeated trips shall be understood to mean trips not more than 24 hours apart.

(4) Ashepoo River, S.C.; Seaboard Coast Line drawbridge, mile 32.0. The draw need not open for the passage of vessels and paragraphs (b) through (e) of this section shall not apply to the bridge. However, the draw shall be returned to full operation within 6 months after notification to the owner by the Commandant to take such action if there is a change in navigational requirements.

(5) Harbor River, a tidal estuary in St. Helena Sound, S.C.; South Carolina State Highway Department bridge on State Highway No. 285 at Hunting Island. At least 24 hours' advance notice required.

(6)-(7) [Reserved]

(8) Coosaw River (Whale Branch). The draw of the Seaboard Coast Line Railroad bridge, mile 5.3, and the draw of the U.S. Highway 21 bridge, mile 7.0, shall open on signal from 6 a.m. to 8 p.m., Monday through Friday, if at least 24 hours notice is given. At all other times, the draw need not open for the passage of vessels.

(9) Battery Creek, S.C.; South Carolina State Highway Department bridge between Beaufort and Parris Island. At least 24 hours' advance notice required.

(10) Broad River, S.C.; South Carolina State Highway Department bridge near Beaufort. At least 24 hours' advance notice required.

(11) Broad River, S.C.; Seaboard Air Line Railway Company bridge near Whale Branch. At least 24 hours' advance notice required.

(12) Savannah River, S.C.; and Ga.; Charleston & Western Carolina Railway Company bridge near Augusta, Ga. At least three hours' advance notice required.

(13) Ogeechee River, Ga. The Atlantic Coast Line Railroad Company bridge near Richmond Hill (Ways Station). At least 15 days' advance notice required.

(14) Ogeechee River, Ga. The State Highway Department of Georgia bridge near Richmond Hill. The draw need not not be opened for the passage of vessels, and paragraphs (b) to

(e), inclusive, of this section shall not apply to this bridge.

(15) Altamaha River, Ga.; all drawbridges except the Atlantic Coast Line Railroad Company bridge at Doctortown. At least 24 hours' advance notice required. The Atlantic Coast Line Railroad Company bridge at Doctortown. At least seven days' advance notice required: *Provided*, That the bridge owner will restore constant attendance, when in the opinion of the District Commander, river traffic warrants additional service.

(16) Oconee River, Ga.; drawbridges downstream from Central of Georgia Railroad Company bridge at Oconee. At least 24 hours' advance notice required.

(17) Oconee River, Ga.; Central of Georgia Railway Company bridge at Oconee. At least seven days' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

(18) Ocmulgee River, Ga.; all drawbridges. At least 24 hours' advance notice required.

(19) Satilla River, Ga.; Seaboard Air Line Railroad bridge at Woodbine. At least 24 hours' advance notice required.

(20) [Reserved]

(21) St. Mary's River, Ga. and Fla.; State Road Department of Florida and Seaboard Air Line Railway Company bridges at Kingsland, Ga. At least 48 hours' advance notice required.

(22) Nassau Sound, Fla.: Fernandina Port Authority bridge across Nassau Sound. From 6 a.m. to 6 p.m. the draw shall open on signal if at least 6 hours' notice has been given. The draw need not open from 6 p.m. to 6 a.m.

(23) [Reserved]

(23-a) Broward River, Fla.; Atlantic Coast Line Railroad Co. bridge near Heckscher Drive, Duval County. At least 24 hours' advance notice required.

(24) Trout River, Fla.; Seaboard Air Line Railroad Company bridge at Panama. Between 10:00 p.m. and 6:00 a.m., at least 12 hours' advance notice required. At all other times the regulations contained in § 117.240 shall govern the operation of this bridge.

(25) Dunns Creek, Fla.; State Road Department of Florida bridge across Dunns Creek near Palatka. At least 3 hours' advance notice required.

(25-a) Oklawaha River, Marion County, Fla. The draws of the bridges at Sharpes Ferry, Moss Bluff, Starkes Ferry, and Muclan Farms shall open on signal if at least 3 hours notice is given.

(26) Kissimmee River, Florida:

(i) State Road 78 bridge 0.5 mile above mouth and State Road 70 bridge 19.5 miles above mouth. At least 72 hours' advance notice required.

(ii) Seaboard Coast Line Railroad bridge, Fort Basinger, Fla. The draw of this bridge shall be opened upon 72 hours' advance notice for the passage of floating equipment employed in flood control work under the jurisdiction of the Central and Southern Florida Flood Control District or the U.S. Army Corps of Engineers. The draw need not be opened for other vessels.

(27) Kissimmee River, Fla.; State Road Department of Florida bridge near Basinger (at Fort Bassenger). At least 96 hours' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

(28) Belle Glade Dike Bridge, Fla. State Road 717 across the navigation channel, Lake Okeechobee between Torry Island and Lake Shore near Belle Glade, Florida. From 6 p.m. to 7 a.m., Monday through Thursday, and from 7 p.m. to 7 a.m., Friday through Sunday, the draw need not open for passage of vessels. At all other times the draw shall open on signal.

(29) Taylor Creek, Fla.; Florida State Road 15 across Taylor Creek, Fla. At least 24 hours' advance notice required.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* (1) Caloosahatchee Canal, Fla.; Atlantic Coast Line Railroad Company bridge at Moore Haven. Between 10:00 p.m. and 6:00 a.m., the draw need not be opened for the passage of vessels.

(1-a) Florida State Road Department Bridges at Olga, Alva, Fort Denaud, La Belle, and Moore Haven. The draws shall be opened promptly on signal from 6 a.m. to 10 p.m. At least 3 hours' advance notice is required from 10 p.m. to 6 a.m.

(2) Orange River, Florida. Florida State Road Department bridge, mile

(1-g) The draw shall open on signal if at least 24 hours notice is given. However, during a hurricane alert for the Caloosahatchee and Orange Rivers area issued by the National Weather Service a draw tender shall be constantly on duty and the draw shall open at any time for the passage of vessels giving the signals set forth in § 117.240.

(2-a) Big Carlos Pass, Florida; State Road S-865 drawbridge. The draw shall open on signal from 8 a.m. to 7 p.m. The draw need not open from 7 p.m. to 8 a.m.

(2-b) Matlacha Pass, Florida; State Road S-78 drawbridge. The draw shall open on signal from 8 a.m. to 7 p.m. The draw need not open from 7 p.m. to 8 a.m.

(2-c) Peace River, Florida, U.S. Highway 41 Bridge (Barron Collier Bridge). The draw shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least 2 hours notice is given.

(3) Myakka River, Seaboard Coast Line railroad bridge near Charlotte Beach. From 7 a.m. to 7 p.m. the draw shall open on signal. From 7 p.m. to 7 a.m. the draw shall open on signal if at least 6 hours notice has been given.

(3-a) Gasparilla Sound, Fla.; Seaboard Air Line Railroad Company bridge between the mainland and Gasparilla Island. Between the hours of 6:00 p.m. and 6:00 a.m. the following day, the southerly swingspan in the bridge need not be opened for the passage of vessels.

(3-b) Hudson Bayou, Sarasota, Fla.; the draw of the Orange Avenue bridge across Hudson Bayou may remain closed and paragraphs (a) through (e) of this section do not apply to this bridge.

(3-c) Longboat Pass bridge between Longboat Key and Anna Maria Key near Bradenton Beach, Fla. From 6 a.m. to 6 p.m. the draw shall open on signal. From 6 p.m. to 6 a.m., the draw shall open on signal if at least 3 hours notice is given.

(4) Coffee Pot Bayou, St. Petersburg, Fla. The draw need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

(5) Little Manatee River, Fla.; Seaboard Coast Line Railroad bridge at Ruskin. The draw shall open on signal if at least three hours notice is given.

(5-a) Whitcomb Bayou, Fla. The draw shall open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays. At all other times the draw shall open on signal if at least 2 hours notice is given.

(6) Suwannee River, Fla.; Atlantic Coast Line Railroad Company bridge at Old Town. At least five days' advance notice required.

(6-a) St. Marks River, Fla.; Florida State Road Department bridge over St. Marks River on U.S. Highway 98 at Newport. At least 48 hours' advance notice to be given to State Road Department Maintenance Office, Tallahassee, Fla.

(6-b) Blackwater River, Florida. The draw of the Louisville and Nashville railroad bridge at Milton shall open on signal from 4 a.m. to 8 p.m. From 8 p.m. to 4 a.m. the draw shall open on signal if at least 8 hours notice is given.

(6-c) Blackwater River, Fla., State Road 10 bridge at Milton. The draw shall open promptly on signal if at least 12 hours notice has been given.

(7) Flint River, Ga.; Seaboard Coast Line Railroad bridges at Bainbridge. At least 15 days advance notice required.

(8) Chattahoochee River, Alabama and Georgia, Central of Georgia bridge at Columbia, Alabama, and Seaboard Coast Line bridge near Omaha, Georgia. The draws shall open on signal if at least six hours notice is given.

(9) [Reserved]

(10) Choctawhatchee River, Fla.; State Road Department of Florida bridge on State Road No. 10 approximately 14 miles east of Freeport. At least 12 hours' advance notice required.

(11) Bayou Chico, Florida. Escambia County bridge in Pensacola. Between 7:30 a.m. and 8:30 a.m., 3:30 p.m. and 4:30 p.m., and 5:00 p.m. and 5:30 p.m., except Saturdays, Sundays and national holidays, the draw need not be opened for the passage of vessels: *Provided*, That the draw shall be opened at any time for the passage of a tow:

*And provided further*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property which shall be indicated by four blasts of the signalling device.

(12) Alabama River, Ala.; St. Louis-San Francisco Railway Company bridge at Yellow Bluff, near Coy. At least 48 hours' advance notice required.

(12-a) Alabama River, Ala.; U.S. Highway 31 and 82 Swing Bridge, mile 278.2 near Montgomery. The draw shall open on signal if at least 24 hours notice has been given.

(12-b) Alabama River, Ala., Louisville and Nashville railroad bridge, mile 293.3, near Montgomery. The draw shall open on signal if at least 24 hours notice is given.

(13) [Reserved]

(14) Coosa River, Ala.; Louisville and Nashville Railroad Company bridge at Gadsden. At least 6 hours' advance notice required.

(15) Tombigbee River, Ala.; Southern Railway Company bridge near Epes. At least 24 hours' advance notice required, to be given to the railroad company's station agent at Epes between 8:00 a.m. and 4:00 p.m. on any day except Saturdays and Sundays, either by telephone maintained on the bridge by the railroad company for the purpose or in any other manner convenient to the operator of the vessel.

(15-a) Tombigbee River, Ala.; U.S. highway drawbridge near Ballamy. The draw shall open on signal from December 1 through April 30. The draw shall open on signal from May 1 through November 30 if at least 12 hours notice is given. During periods of high water from May 1 through November 30, the draw shall open on signal.

(16) Tensaw River Alabama State of Alabama Highway Department bridge over the Tensaw River on U.S. Highway No. 90 near Mobile, Alabama. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

(17) Tensaw River, Ala.; Louisville and Nashville railroad bridge, mile 15.

(i) The draw shall open on signal from 8 a.m. to 12 midnight. The draw need not open from 12 midnight to 8 a.m.

(ii) During periods of severe storms or hurricanes from the time the U.S. Weather Bureau sounds an "alert" for the area until the "all clear" is sounded drawtenders shall be constantly on duty and the draw shall open on signal for the passage of vessels.

(18) Bayou Sara, Ala.; Louisville and Nashville Railroad Company bridge near Satsuma. Between 6 a.m. and 10 p.m., daily, the bridge will be opened on signal for the passage of vessels. Between 10 p.m. and 6 a.m., daily, at least 4 hours' advance notice required, except during hurricane alerts for the area when a draw tender will be on duty and the bridge opened on signal for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the draw tender may be reached by telephone or otherwise between 10 p.m. and 6 a.m.

(19) Three Mile Creek, Ala.; State of Alabama Highway Department bridge at Mobile. Between 7:00 a.m. and 9:00 a.m. and between 4:30 p.m. and 6:30 p.m. daily the draw need not be opened for the passage of vessels. At all other times, at least 12 hours' advance notice required.

(20) Three Mile Creek, Ala. The draw shall open on signal if at least 5 days notice has been given.

(i) From November 15, 1972, through April 1, 1973, the draw need not open for the passage of vessels.

(20-a) [Reserved]

(20-b) Back Bay of Biloxi, Mile 3.0. The draw shall open on signal if at least 6 hours notice is given.

(21) West Pearl River, La.; New Orleans and Northeastern Railroad Company bridge at Pearl River Station. At least six hours' advance notice required.

(22) [Reserved]

(23) Bayou Lacombe, La.; Louisiana Department of Highways bridge at Lacombe. At least 48 hours' advance notice required.

(23-a) Lake Pontchartrain, La.; Louisiana Department of Highways and Southern Railway System bridges near New Orleans. At least 48 hours' advance notice required for opening the south drawspan except in case of an emergency, the drawspans shall be placed in operation not later than 12 hours after notice of the emergency and shall be kept in condition for immediate operation until the emergency is over.

(23-b) Lake Pontchartrain, La.; Greater New Orleans Expressway Commission causeway across Lake Pontchartrain, north bascule spans. At least 3 hours' advance notice required.

(24) [Reserved]

(25) Amite River, La.; Louisiana Department of Highways bridge near French Settlement. At least 48 hours' advance notice required.

(26) Bayou Colyell, La.; Louisiana Department of Highways bridge near Port Vincent. At least 48 hours' advance notice required.

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* (1) Bayou Plaquemine, La.; The Texas and Pacific Railway Company and the Louisiana Department of Highways bridges at Plaquemine. The draws need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(2) Bayou Terrebonne, La.; Louisiana Department of Highways drawbridge near Presquille. The draw need not open for passage of vessels and paragraphs (b) through (e) of this section shall not apply to this bridge.

(3) Bayou Lafourche, La.; Texas and New Orleans Railroad Co. bridge at Lafourche. At least 48 hours' advance notice required.

(4) Bayou Lafourche, La.; The State of Louisiana, Department of Highways bridge at Thibodaux and all bridges above. The draws need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(4-a) Bayou Lafourche, La.; U.S. 90 drawbridge, mile 58.2, Raceland; U.S. 90 drawbridge, S. 307, Raceland, mile 58.7; and S. 18 drawbridge, Lafourche, mile 66.1. The draws shall open on signal if at least 6 hours notice is given.

(5) Grand Bayou, La.; State of Louisiana Department of Highways bridge near Paincourtville. At least 24 hours' advance notice required.

(6) Bayou Black, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Southdown. At least 24 hours' advance notice required.

(7) Bayou Black, La.; Louisiana Department of Highways bridge near Gibson, and the Terrebonne Parish Police Jury and Southdown, Incorporated, bridges (6) between Gibson and Houma. At least 24 hours' advance notice required.

(8) Little Bayou Black, La.; Texas and New Orleans Railroad Company bridge at Southdown. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive of this section shall not apply to this bridge.

(9) Bayou Grosse Tete, La.

(i) Texas and Pacific Railroad bridge, mile 14.7. The draw need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge. However, the owner of or agency controlling this bridge shall restore the draw to full operation within six months of notification to take such action by the Commandant, U.S. Coast Guard.

(ii) The Louisiana Department of Highway bridge near Rosedale, mile 15.3. The draw shall open on signal if at least 48 hours notice is given.

(10) Bayou Teche, La.

(i) S-96 highway drawbridge, mile 75.2, at St. Martinville, and S-350 highway drawbridge, mile 32.0, at Parks. The draws shall open on signal if at least 24 hours notice is given.

(ii) S-31 highway drawbridge, mile 87.5, at Ruth, S-31 highway drawbridge, mile 90.5, at Breaux Bridge, and Southern Pacific Railroad drawbridge (removable span), mile 91.0, at Breaux Bridge. The draws shall open on signal if at least 48 hours notice is given.

(11) [Reserved]

(12) Stumpy Bayou, La.; Louisiana Department of Highways bridge near Weeks Island. At least six days' advance notice required.

(13) [Reserved]

(14) Vermilion River, La.; Louisiana Department of Highways bridge near Lafayette. At least 48 hours' advance notice required.

(15) [Reserved]

(16) Bayou Plaquemine Brule, La.; Texas and New Orleans Railroad Company bridge near Midland. At least 24 hours' advance notice required.

(17) Bayou Nezpique, La.; Louisiana Department of Highways bridge near Jennings. At least 48 hours' advance notice required.

(18) Bayou Choupique, La.; Louisiana Department of Highways bridges near Calcasieu. At least 48 hours advance notice required.

(19) Bayou Lacassine, La.; State of Louisiana, Department of Highways bridge near Hayes. At least 24 hours advance notice required.

(20) Bayou Lacassine, La.; Texas and New Orleans Railroad Company bridge near Hayes. At least 24 hours' advance notice required.

(21) [Reserved]

(22) Bayou D'Inde, La.; railroad bridge of Defense Plant Corporation, Cities Service Refining Corporation, Agent. At least 72 hours' advance notice required.

(23) [Reserved]

(24) Houston River, La.; The Kansas City Southern Railway Company bridge near Lake Charles. At least 24 hours' advance notice required.

(25) [Reserved]

(26) Sabine River, La. and Tex.; Texas and New Orleans Railroad Company bridge near Echo, Tex., Kansas City Southern Railway Company bridge near Ruliff, Tex., and Louisiana Department of Highways bridge between Starks, La., and Deweyville, Tex. At least 24 hours' advance notice required.

(26-a) *Sabine River (Old Channel) behind Orange Harbor Island, Orange, Tex.* The draw shall be opened promptly on signal from 7 a.m. to 12 Midnight Monday through Friday, except holidays. At all other times, including legal holidays, 8 hours' advance notice is required.

(27) Cow Bayou, Tex.; Orange County highway bridge on Round Bunch Road and Texas Highway Department bridge at Bridge City. At least 6 hours' advance notice required.

(28) Neches River, Tex.; Gulf, Colorado and Santa Fe Railway Company bridge at Evadale. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(29) Taylors Bayou, Tex.; Texas and New Orleans Railroad Company bridge and Texas Highway Department bridge at West Port Arthur. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(30) Trinity River, Tex.; Texas and New Orleans Railroad Company bridge at Liberty, Missouri Pacific Railroad Company bridges near Kenefick and at Riverside, and Gulf, Colorado and Santa Fe Railway Company bridge near Romayor. The draws needs not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(31) Buffalo Bayou, Tex.: (i) Texas and New Orleans Railroad Company bridge at the head of Houston Turning Basin, Houston, and drawbridges upstream therefrom to, but not including, the Houston Belt & Terminal Railway Company bridge near Shiloh Street, Houston. At least 24 hours advance notice required.

(ii) Houston Belt & Terminal Railway Company bridges near Shiloh Street and at Mary Street, Houston. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(32) Greens Bayou, Tex.; Port Terminal Railroad Association, mile 2.8. The draw shall open on signal if at least four hours notice is given and on signal for three hours thereafter if the opening is for returning downbound vessels.

(33) Clear Creek, Tex.; Texas and New Orleans Railroad Company bridge at Seabrook. The draw will be maintained in the open position for the passage of vessels except when it is necessary to close the draw for the passage of trains. A draw tender shall be in constant attendance when the

draw is closed. Paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge.

(34) Chocolate Bayou, Tex., Missouri Pacific Railroad Company bridge near Liverpool. The draw is fixed in the closed position to navigation. Paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(35) Old Brazos River, Freeport, Texas: Missouri Pacific Railroad bridge, mile 4.4. The draw shall be maintained in the fully open to navigation position except for the crossing of trains or for maintenance.

(36) Brazos River, Tex.; (i) Texas Highway Department bridge near Freeport. At least 12 hours' advance notice required.

(ii) Missouri Pacific Railroad Company bridge at Brazoria. The draw is fixed in the closed position to navigation. Paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(37) Colorado River, Tex.; Texas Highway Department bridge near Wadsworth. At least 24 hours' advance notice required.

(38) Lavaca River, Tex.; Missouri Pacific Railroad Company and Texas Highway Department bridges near Vanderbilt. At least 48 hours' advance notice required, except in emergencies, when the draws will be opened as soon as possible after the receipt of notice.

(39) Nueces Bay, Tex.; Texas Highway Department bridge between Corpus Christi and Portland. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(40) [Reserved]

(41) Arroyo Colorado, Tex.; Texas Highway Department bridge at Rio Hondo. At least 12 hours' advance notice required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Note: For amendments to § 117.245 consult the List of CFR Sections Affected, in the back of this volume.

### § 117.270 Cambridge Harbor, Md.; bridge.

(a) The draw shall be promptly opened at any time for the passage of vessels unable to pass under the closed bridge, except during the following hours (eastern standard time) when it need not be opened: From 8 p.m. to 6 a.m.; from 12 noon to 12:10 p.m.; from 12:50 p.m. to 1 p.m.; and for 20 minutes before the scheduled time of departure from Cambridge of any regularly scheduled passenger train on the Pennsylvania Railroad.

(b) With the exceptions noted in paragraph (a) of this section, vessels have the right of way over vehicles or persons using the bridge.

(c) Whenever a vessel unable to pass under the closed bridge approaches it, the signal of a desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the tender or operator of the bridge, in case the draw can be operated immediately, shall reply by three blasts of a whistle or horn. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the tender or operator of the bridge by one blast of a whistle or horn.

(d) The owner of the bridge shall post and maintain a copy of the regulations in this section in a conspicuous place at each end of said bridge.

### § 117.280 Miles River, Md.; bridge (highway) at Easton, Md.

(a) Between sunrise and sunset the draw of the above-mentioned bridge shall be promptly opened for the passage of any vessel unable to pass under the closed bridge.

(b) Whenever a vessel unable to pass under the closed bridge approaches it, the signal of a desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. Upon receiving the signal from the vessel the tender or operator of the bridge, in case the bridge can be opened immediately, shall reply by three blasts of a whistle or horn. In case, however, of accident to the machinery or other contingency involving unavoidable delay in the opening of the draw, the signal shall be answered by one blast of a whistle or horn.

(c) A vessel wishing to pass the bridge between sunset and sunrise and unable to pass under the closed draw will request that the bridge be opened by notifying the draw tender of the time at which it is desired to pass and the draw of the bridge shall be opened as soon as practicable after the receipt of notice.

(d) A copy of the regulations in this section will be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time, together with a notice stating exactly how the draw tender, when not on duty at the bridge, may be reached.

(e) The operating machinery of the draw shall be kept in serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is kept in proper condition for satisfactory operation.

### § 117.285 Oak Creek, tributary of Miles River, Md.; bridge of the Baltimore, Chesapeake and Atlantic Railroad Co. at Royal Oak, Md.

(a) During the period from June 1 to September 30, inclusive, the draw shall be opened promptly at any time during the day or night for the passage of any vessel unable to pass under the closed bridge. During the period from October 1 to May 31, inclusive, the hours for opening the draw shall be from sunrise to sunset.

(b) Whenever a vessel unable to pass under the closed bridge approaches it, the signal of a desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel the tender or operator of the bridge, in case the draw can be opened immediately, shall reply by three blasts of a whistle or horn. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the tender or operator of the bridge by one long blast of a whistle or horn.

(c) A copy of the regulations in this section shall be posted in a conspicuous place on each side of the bridge.

### § 117.290 Kent Island Narrows, Md., Highway bridge at Grasonville, Md.

(a) From November 1 through April 30 from 6 a.m. to 6 p.m. the draw shall open on signal. The draw need not open from 6 p.m. to 6 a.m.

(b) From May 1 through October 31:

(1) The drawbridge shall open for the passage of vessel traffic on the hour from 7 a.m. to 7 p.m. every day.

(2) The draw need not open from 7 p.m. to 7 a.m.

(3) If a vessel is approaching the drawbridge and cannot reach the draw exactly on the hour the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(c) All public vessels of the United States, and those State or local vessels on public safety missions, shall be passed at any time. The opening signal from these vessels is four blasts of a whistle or horn. The opening signal from all other vessels is one long blast followed by one short blast.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 80-23, 45 FR 41413 June 19, 1980]

EFFECTIVE DATE NOTE: At 45 FR 41413, June 19, 1980, § 117.290 was revised, effective July 21, 1980. For the convenience of the user, the superseded text is set out below.

### § 117.290 Highway drawbridge, Kent Island Narrows, Md.

(a) From October 1 through April 30 from 6 a.m. to 6 p.m. the draw shall open on signal. The draw need not open from 6 p.m. to 6 a.m.

(b) From May 1 through September 30:

(1) From 6 a.m. to 9 p.m., Monday through Thursday, except Memorial Day, Independence Day and Labor Day, the draw shall open on signal;

(2) On Fridays, Saturdays, Sundays, Memorial Day, Independence Day and Labor Day, the draw shall open on signal from 6 a.m. to 10 a.m. and from 8 p.m. to 9 p.m.; however, the draw shall open at 12 noon, 2 p.m., 4 p.m., and 6 p.m., if any vessels are waiting to pass.

(3) The draw need not open from 9 p.m. to 6 a.m.

(c) Public vessels of the United States or State or local vessels, on public safety missions shall be passed at any time. The opening signal from these vessels is four blasts of a whistle or horn. The opening signal from all other vessels is one long blast followed by one short blast.

[CGD 75-81, 40 FR 33449, Aug. 8, 1975]

### § 117.305 Baltimore Harbor, Md.; bridge (highway) at Hanover Street across Middle Branch of Patapsco River.

(a) When, at any time between the hours of 5 a.m. and 6:30 a.m., 9:30 a.m. and 4 p.m., and 6 p.m. and 9 p.m., a vessel, tug, or any watercraft unable to pass under the bridge approaches it, the signal of intention to pass through the draw and for the draw to be opened shall be three blasts of a whistle or horn blown on the craft. When such signal is given, the bridge shall be immediately cleared, no vehicle or person not then on the drawspan shall be allowed to come upon it, and the draw shall be opened forthwith. If the draw is ready to be opened immediately, the draw operator shall answer immediately by three blasts of a whistle or horn blown on the bridge; and if the draw is not ready to be opened immediately, he shall answer by one short blast of a whistle or horn blown on the bridge.

(b) The draw shall not be required to open to vessels between 6:30 a.m. and 9:30 a.m. and between 4 p.m. and 6 p.m., except in cases involving the passage of fire boats, police boats, and craft similarly engaged in emergency operations. An attendant shall be kept on duty during these periods.

(c) When a vessel, tug, or any watercraft unable to pass under the bridge desires to pass through the draw at any time between the hours of 9 p.m. and 5 a.m., notice of such intention shall be given to the superintendent of the bridge by telephone or otherwise, either at the bridge before 9 p.m. or at his residence thereafter. If the notice is given between the hours of 5 a.m. and 9 p.m., or if at least one-half hour has elapsed since it was given, the draw shall be promptly opened at the time specified in the notice on signal given and answered as hereinbefore prescribed.

(d) The owner of the bridge shall keep conspicuously posted thereon, in such manner that it may be easily read at any time, a notice stating how the superintendent may be reached and shall arrange for ready telephonic communication with him at any time between 9 p.m. and 5 a.m., either from the bridge or from its immediate vicinity.

### § 117.310 Severn River, Md.; bridge (highway) near Annapolis, Md.

(a) The leaves of the draw shall be promptly raised to their full height so as to provide full horizontal clearance through the bridge at any time during the day or night for all vessels desiring to pass through it whose masts are 15 feet or more in height or for any vessels whose hulls, deckhouses, or cargoes are of such height that they will not pass under the bridge when it is closed.

(b) Vessels have the right of way over vehicles or persons using the bridge.

(c) A vessel approaching the bridge and desiring to pass through the draw shall signal by three blasts of a whistle or horn. The signal shall be answered by three blasts of a whistle or horn that can be heard three-fourths of a mile from the bridge, and the draw shall be opened forthwith. In case, however, of accidents to the machinery or other contingency involving unavoidable delay in opening the draw, the signal shall be answered by one blast of a whistle or horn.

### § 117.311 Spa Creek, Md., Route 2 drawbridge.

(a) The draw shall open on signal except that:

(1) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except Federal and State holidays, the draw need not open for the passage of vessels.

(2) From 10 a.m. to 5 p.m. on Saturdays and Sundays from May 1 through November 1 the draw need not open except on the hour and half hour if any vessels are waiting to pass.

(b) The draw shall open at any time for public vessels of the United States or vessels in an emergency involving danger to life or property. The opening signal is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling the bridge shall conspicuously post the provisions of this regulation on the upstream and downstream sides of the bridge or elsewhere in a manner that it can easily be read from an approaching vessel at all times.

[CGD 73-13R, 39 FR 2581, Jan. 23, 1974]

### § 117.325 Potomac River.

(a) *Woodrow Wilson Memorial Bridge at Jones Point, Alexandria, Va.* (1) From 6:30 a.m. to 9 a.m. and from 4 p.m. to 6:30 p.m. Monday through Friday, except on National Holidays, the draw of this bridge shall not be opened for the passage of vessels, except those listed below:

(i) Public vessels owned or operated by the United States,

(ii) Vessels in distress, or

(iii) Vessels engaged exclusively in the tourist trade on the Potomac River which operate from Washington, D.C., when the vertical clearance under the draw is less than 50 feet.

(2) The regulations contained in § 117.240 shall govern the operation of this bridge at all other times.

(3) The owner of or agency controlling this bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can be easily read at any time.

(b) *Washington, D.C., drawbridges across the Potomac River.* The draws of the bridges need not be opened for the passage of vessels.

[CGFR 68-47, 33 FR 6291, Apr. 25, 1968]

### § 117.330 Anacostia River, Washington, D.C.; bridges.

(a) *Pennsylvania Railroad Company Freight Bridge No. 134.35.* (1) During the period from April 1 to September 30, inclusive, on Saturdays, Sundays, and legal holidays, the lift span shall be opened on signal. During the same period, on weekdays between the hours of 10:00 a.m. and 8:00 p.m., the lift span shall be opened on signal on the hour for the passage of two or more vessels or other watercraft: *Provided,* That in no case shall the delay to a single vessel be more than 30 minutes.

(2) During the period from April 1 to September 30, inclusive, on weekdays between the hours of 8:00 p.m. and 10:00 a.m., and from October 1 to March 31, inclusive, on Saturdays, Sundays, and legal holidays between the hours of 10:00 a.m. and 6:00 p.m., the lift span shall be opened on signal on the hour for the passage of any vessel or other watercraft: *Provided,* That when once opened the bridge shall remain open sufficiently long to permit the passage of all vessels or other watercraft which may be in sight of the bridgetender and expected to desire a passage of the bridge. The time referred to shall be eastern standard or eastern daylight time, whichever is in effect locally.

(3) At all other times not covered, at least two hours' advance notice is required to be given to the designated representative of the owner of or agency controlling the bridge. The notice shall contain the name or number of the vessel and the expected time of its arrival at the bridge.

(4) Vessels employed or controlled by the United States Government, the District of Columbia and agencies of the State of Maryland shall be passed without delay through the draw of said bridge at any hour of the day or night upon giving the proper signal.

(5) Clearance gages, of a type approved by the Commandant, shall be provided by the owners of the bridge. These gages shall be so set and maintained on the upstream and downstream fenders of the bridge as to show accurately and clearly the distance between the water surface and the lowest point of the closed lift span.

(6) The bridge shall not be required to be opened for the passage of vessels habitually using the waterway and carrying appurtenances such as radio antenna or flag staffs which as determined by the District Commander, can readily be removed, lowered or hinged, and which are otherwise capable of clearing the bridge when closed. Habitual users are defined as any vessel passing the bridge as often as seven (7) times in a 30-day period.

(7) The owner of or agency controlling the bridge shall keep conspicuous-

ly posted on both the upstream and downstream sides of the bridge, in such a manner that it can easily be read at all times, a copy of the regulations in this paragraph, together with a notice stating a local telephone number where the representative specified in paragraph (a)(3) of this section may be reached.

(b) [Reserved]

(c) *District of Columbia highway bridge at South Capitol Street.* (1) Between the hours of 6:00 a.m. and 9:00 a.m., and between the hours of 3:30 p.m. and 6:30 p.m., daily, the draw need not be opened for the passage of navigation, except that in the case of an emergency the draw will be opened for the passage of U.S. Government owned vessels, regardless of the hour.

(2) The draw will occasionally be closed to navigation, without advance notice, to permit uninterrupted transit of dignitaries across the bridge.

(3) At all times not covered by the regulations in this paragraph, and in all other respects, the regulations contained in § 117.240 shall govern the operation of this bridge.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations of this paragraph.

**§ 117.340 Rappahannock River, Va.; all bridges.**

(a) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw and shall maintain the fender system in good condition for the passage of vessels.

(b) If the weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw, three distinct blasts of a whistle, horn, or megaphone shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by three distinct blasts of a whistle, horn, or megaphone or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone or by two loud and distinct strokes of a bell.

(c) When weather conditions prevent hearing the sound signals when a vessel approaches a drawbridge and desires to pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length a lighted lantern at night and a flag by day.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in vertical plane a number of times a lighted lantern at night and a flag by day.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(d) When a vessel wishes to pass two or more bridges close together signals as prescribed above shall be given from the vessel for opening the first bridge, followed at an interval of about 5 seconds by the same signals for the second bridge, and so on, thus giving at intervals of about 5 seconds, separate signals for each bridge the vessel desires to pass.

(e) When two or more vessels are approaching the bridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw, and the draw tender shall reply as prescribed and in turn to the signal of each vessel.

(f) Where bridges are less than 500 feet apart, the signals to govern the movements of the approaching vessel shall be given from the bridge nearest the vessel. If that bridge can be opened immediately, the bridge tender shall await the reply signals from the other bridges and then give the signal circumstances require. If the nearest bridge cannot be opened immediately, the prescribed signal shall be given the approaching vessel at once, to be followed as soon as possible by the signal from that bridge that the draws are about to open.

(g) The draw shall be opened with the least possible delay, upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(h) When a bridge tender is about to close a draw, he shall sound two distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell.

(i) Trains, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draws, but all passage over the drawspans or through the draw openings shall be in a manner to expedite both land and water traffic.

(j) Any vessel with or without tows requiring the opening of the draw of a bridge on which only one draw opening is protected by a fender system, shall pass through the opening so protected.

(k) A copy of the regulations in this section will be conspicuously posted on both upstream and downstream sides of the bridges in such manner that it can be easily read at any time.

### § 117.343 Milford Haven, Va.: Virginia Department of Highways bridge between the mainland and Gwynns Island.

(a) The draw of the bridge shall not be required to be opened for the passage of vessels, habitually using the waterway and carrying appurtenances unessential for navigation (such as patent tong masts, flagstaffs, radio antennas, etc.), which are otherwise capable of clearing the bridge when closed: *Provided*, That vessels engaged in commercial oystering or haul seine fishing shall be passed promptly at any time during the respective legal oystering or haul seine fishing seasons.

(b) Any vessel passing through the bridge as often as once a day for 5 consecutive days of any month will be regarded as a habitual user within the meaning of this section. Failure of any vessel to comply with the regulations after one warning by the person controlling the bridge shall be sufficient cause for refusal to open the draw for the future passage of the vessel.

### § 117.349 Eastern Branch of Elizabeth River, Va.: Elizabeth River Tunnel Commission bridge between Norfolk and Berkley.

(a) *Sound signals.* To be used if weather conditions are such that sound signals can be heard:

(1) *Call signal for opening of draw.* When a vessel approaches the bridge and desires to pass through the draw, three distinct blasts of a whistle, horn or megaphone or three loud and distinct strokes of a bell shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(2) *Acknowledging signals*—(i) *When the draw must be cleared of traffic and prepared for opening.* The draw tender shall reply with two distinct blasts of a whistle, horn or megaphone or by two loud and distinct strokes of a bell. The vessel shall be checked and standby for either the signal in paragraph (a)(2) (ii) or (iii) of this section.

(ii) *When the draw is clear of traffic and can be opened immediately.* The draw tender shall reply with three distant blasts of a whistle, horn or megaphone or by three loud and distinct strokes of a bell.

(iii) *When the draw cannot be opened for an indefinite period or when it is open and must be closed immediately.* The draw tender shall reply with four or more distinct blasts of a whistle, horn or megaphone or four or more loud and distinct strokes of a bell, to be followed by the signal in paragraph (a)(2)(ii) of this section when the draw is to be opened.

(b) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard.

(1) *Call signal for opening of draw.* When a vessel approaches the bridge and desires to pass through the draw signals shall be made from the approaching vessel by swinging in verti-

cal circles at arm's length a lighted lantern at night and a flag by day.

(2) *Acknowledging signals*—(i) *When the draw must be cleared of traffic and prepared for opening.* The draw tender shall reply by swinging in vertical circles at arm's length a lighted lantern at night and a flag by day. The vessel shall be checked and standby for either the signal in paragraph (b)(2) (ii) or (iii) of this section.

(ii) *When the draw is clear of traffic and can be opened immediately.* The draw tender shall reply by raising and lowering in a vertical plane a number of times a lighted lantern at night and a flag by day.

(iii) *When the draw cannot be opened for an indefinite period or when it is open and must be closed immediately.* The draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day, to be followed by the signal in paragraph (b)(2) (ii) of this section when the draw is to be opened.

(c) *Posting of regulations in this section.* The owner of or agency controlling the bridge shall keep a legible copy of the regulations in this section posted conspicuously on both the upstream and downstream sides of the bridge.

### § 117.349a Elizabeth River, Southern Branch, Va., Route 337 drawbridge.

(a) The drawbridge shall open on signal except that:

(1) From 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 4:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of pleasure craft.

(2) At all times not covered by the regulations in this paragraph and in all other respects, the regulations contained in § 117.240 shall govern the operation of this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

[CGD 80-16, 45 FR 9903, Feb. 14, 1980]

### § 117.350 Albemarle and Chesapeake Canal (AIWW), Va.; U.S. Government bridge at Great Bridge.

(a) From 6 a.m. to 7 p.m., the draw need open only on the hour. However, if any vessel is approaching the drawbridge, and cannot reach the draw exactly on the hour, the draw tender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(b) From 7 p.m. to 6 a.m. the draw shall open on signal.

(c) The draw tender shall open the bridge promptly for the passage of any vessel with an emergency condition which presents danger to life or property. The signal to request emergency opening is four or more short blasts of a whistle or horn.

(d) Signs shall be posted on both the upstream and downstream sides of the bridge regarding the hours of restricted operation in such a manner that they can easily be read by an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CGD 77-229, 43 FR 41390, Sept. 18, 1978]

### § 117.352 Neuse River, N.C.; U.S. 17 highway bridge at New Bern.

(a) The draw shall open on signal as prescribed in § 117.240, except that the draw may remain closed—

(1) From Monday through Friday from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m. and

(2) Sundays and Federal holidays from May 24 through September 8, from 2 p.m. to 7 p.m. except that the draw shall open at 4 p.m. and 6 p.m. for any vessels waiting to pass.

(b) The draw shall open at any time on the signal of four blasts for public vessels of the United States, State, or local vessels used for public safety, tugs with tows and vessels in distress.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 71-137a, 37 FR 5295, Mar. 14, 1972]

### § 117.353 Trent River, N.C.: U.S. 70 highway bridge at New Bern.

(a) The draw shall open on signal as prescribed in § 117.240, except that the draw may remain closed—

(1) From Monday through Friday from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m. and

(2) Sundays and Federal holidays from May 24 through September 8, from 2 p.m. to 7 p.m. except that the draw shall open at 4 p.m. and 6 p.m. for any vessels waiting to pass.

(b) The draw shall open at any time on the signal of four short blasts for public vessels of the United States, State, or local vessels used for public safety, tugs with tows and vessels in distress.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 71-137a, 37 FR 5295, Mar. 14, 1972]

### § 117.355 Bogue Sound (Atlantic Intracoastal), N.C., North Carolina State Division of Highways Bridge at Atlantic Beach.

(a) The draw shall open on signal except—

(1) From March 15 through October 15 the draw need open only on the hour from 8 a.m. to 8 p.m. for the passage of pleasure craft. However, if a pleasure craft is approaching the draw, and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(2) At all times not covered by the regulations in this paragraph and in all other respects, the regulations contained in § 117.240 shall govern the operation of this bridge.

(b) The draw shall open on signal at any time for the passage of public vessels of the United States, towboats with tows, commercial vessels, and any vessel in an emergency involving danger to life or property. An emergency shall be indicated by four blasts of a whistle, horn, or similar device.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

[CGD 80-029, 45 FR 41414, June 19, 1980]

**Effective Date Note:** At 45 FR 41414, June 19, 1980, § 117.355 was revised, effective July 21, 1980. For the convenience of the user, the superseded text is set out below:

§ 117.355 Bogue Sound (Atlantic Intracoastal), N.C.: North Carolina State Highway Commission Bridge at Atlantic Beach.

(a) The draw shall open on signal except—

(1) From March 15 through June 14, on Saturdays, Sundays, and Federal holidays, from 1 p.m. to 7 p.m., the draw need open only on the hour for the passage of any accumulated vessels.

(2) From June 15 through Labor Day, on Saturdays, Sundays, and the Fourth of July from 1 p.m. to 7 p.m. the draw need not open for the passage of vessels except that the draw shall open at 3 p.m. and 5 p.m. for any vessels.

(b) The draw shall open on signal at any time, notwithstanding the provisions of paragraph (a) of this section for the passage of vessels of the United States, towboats with tows, commercial vessels, and any vessel in an emergency involving danger to life or property. An emergency shall be indicated by four blasts of a whistle, horn, or similar device.

(c) The owner of or agency controlling the bridge shall erect and maintain on the upstream and downstream sides of the bridge, on the bridge or elsewhere, signs acceptable to the District Commander setting forth the regulations in this section.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 70-43, 36 FR 11088, June 9, 1971, as amended by CGD 78-167, 44 FR 45925, Aug. 6, 1979]

### § 117.365 Sullivans Island Narrows, AIWW, mile 462.2, Ben M. Sawyer Bridge, SR 703 between Sullivan's Island and Mount Pleasant, S.C.

(a) The owner of or agency controlling the bridge shall not be required to open the draw between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. daily, except as provided in paragraph (b) of this section.

(b) The draw shall be opened promptly upon the prescribed signal being given for the passage of tug boats, freight boats, commercial fishing boats, vessels owned and operated by the United States, and boats or vessels in distress.

(c) The owner of or agency controlling the bridge shall erect and maintain adjacent to the channel, on both sides of the bridge, signs acceptable to the Commandant, U.S. Coast Guard setting forth the salient features of the regulations in this section.

[CGFR 67-78, 32 FR 17939, Dec. 15, 1967]

### § 117.370 Wappoo Creek, AIWW, mile 470.8, Wappoo Creek Bridge, SR 171/700, Charleston, S.C.

(a) The owner of or agency controlling the bridge shall not be required to open the draw between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. daily, excluding Sundays and Federal holidays, except as provided in paragraph (b) of this section.

(b) The draw shall be opened promptly upon the prescribed signal being given for the passage of tugboats, freight boats, commercial fishing boats, vessels owned and operated by the United States, and boats or vessels in distress.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof the salient features of the regulations in this section.

### § 117.380 Ladies Island drawbridge, Beaufort River, AIWW, S.C.

(a) The draw need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Saturday, except legal holidays, except that the draw shall open at 8 a.m. and 5 p.m. if any vessels are waiting to pass the closed draw.

(b) The draw shall open at any time for the passage of public vessels of the United States, commercial tows, and vessels in distress. The opening signal from such vessels shall be four blasts of a whistle or horn or by shouting.

(Sec. 6(g)(2), 80 Stat. 937, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 72-15a, 37 FR 12232, June 21, 1972]

### § 117.401 Wilmington River, AIWW, mile 579.9, Chatham County Island Expressway, SR 26, Causton Bluff, Ga.; Wilmington River, AIWW, mile 582.8, State of Georgia Memorial Bridge, SR 80, Thunderbolt, Chatham County, Ga.

(a) The draw of the Causton Bluff Bridge need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except legal holidays. However, the draw shall open at 8:10 a.m. and 5:20 p.m., if any vessels are waiting to pass, and as outlined in paragraph (c) of this section. At all other times, the draw shall open on signal.

(b) The draw of the Memorial Bridge need not open for passage of vessels from 7:45 a.m. to 9:15 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, except legal holidays. However, the draw shall open at 8:30 a.m. and 5:45 p.m., if any vessels are waiting to pass, and as outlined in paragraph (c) of this section. At all other times the draw shall open on signal.

(c) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, or horn, or by shouting.

(d) The owner of or agency controlling the bridges shall post, on both sides of the bridges, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 77-199, 43 FR 39778, Sept. 7, 1978]

### § 117.408 Back River, Ga.; drawbridge in the causeway between Brunswick and St. Simons Island.

(a) The owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 6 a.m. and 9 a.m. and between the hours of 4 p.m. and 6 p.m., daily, except on the hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall be opened to allow the passage of a vessel in distress, a commercial tow or a Government vessel at any time upon sounding by the vessel of four blasts of a whistle or horn.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

### § 117.409 Frederica River, AIWW, mile 675.5, Torras Causeway, Glynn County Drawbridge, St. Simons Island to Brunswick, Ga.

(a) From 7:30 a.m. to 9:30 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need only open on the hour and half-hour to pass all accumulated vessels. At all other times, the draw shall open on signal.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CDG 78-63, 43 FR 41389, Sept. 18, 1978]

### § 117.429 St. Johns River, mile 24.9, automatic operation of the Florida East Coast Railway bridge, Jacksonville, Fla.

(a) The bridge shall be constantly manned by a bridge supervisor who has a mechanical override capability for the automated operation.

(b) The bridge will normally be in the open position displaying flashing green lights to indicate that water traffic may pass.

(c) When a train approaches the bridge, large sign on both the upstream and downstream sides of the bridge will flash "bridge coming down," the navigational light will go to flashing red, and the standard siren signals will sound.

(d) After an eight/minute delay, the bridge will lower and lock if there are no vessels under the bridge.

(e) After the train has cleared, the bridge will open and the light signals will return to flashing green.

(f) Train crews can hold bridge down by pushing a hold button, and the bridge will remain down for a period of eight minutes or while the approach track circuit is occupied.

(g) A radiotelephone will be maintained at the bridge for the safety of navigation.

(Sec. 5, 28 Stat. 362, as amended, sec 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 76-178, 44 FR 27392, May 10, 1979]

### § 117.430 St. Johns River, Fla.; Main Street, Acosta and Fuller Warren bridges, Jacksonville.

(a) Between 7:30 a.m. and 9:00 a.m., and between 4:30 p.m. and 6:00 p.m., on all days other than Sundays and legal holidays, the draws need not be opened for the passage of vessels: *Provided*, That the draws shall be be opened at any time for the passage of a vessel in an emergency involving danger of life or property, which shall be indicated by four blasts of a whistle, horn, or megaphone.

(b) In all other respects, the regulations contained in § 117.240 shall govern the operation of these bridges.

### § 117.430a St. Johns River, Fla.; Florida State Road Department bridge between Sanford and Osteen.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in attendance or to open the drawspan between the hours of 7:00 p.m. and 7:00 a.m. except on 12 hours' advance notice to be given to the authorized representative of the owner of the bridge. Regular draw tender service will be maintained between 7:00 a.m. and 7:00 p.m.

(b) The owner of or the agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that they can easily be read at any time, signs setting forth the salient features of the regulations and stating exactly how the authorized representative specified in paragraph (a) of this section may be reached for opening the bridge.

### § 117.431 [Reserved]

### § 117.432 Matanzas River AIWW, mile 777.9, Bridge of Lions, SR A-1-A, St. Augustine, Fla.

(a) The draw shall open on signal, except that:

(1) From 7 a.m. to 6 p.m., Monday through Friday, except legal holidays, the draw shall open only on the hour and half-hour if any vessels are waiting to pass. However, the draw need not open at 8 a.m., 12 noon, and 5 p.m.

(2) From 7 a.m. to 6 p.m., Saturdays, Sundays, and legal holidays, the draw shall open only on the hour and half-hour if any vessels are waiting to pass.

(b) The draw shall open at any time on signal for the passage of public vessels of the United States, tugs with tows and vessels in distress. The signal from such vessels is four blasts of a whistle or horn or by shouting.

(c) Signals for all vessels other than those covered in paragraph (b) of this section.

(1) Call signals for opening of drawbridge or passing through an open draw.

(i) *Sound signals.* Three short blasts of a whistle, horn or siren, or by shouting.

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) Acknowledging signals to be given by operator of the drawbridge.

(i) *Sound signals.* None required.

(ii) *Visual signals.* (A) When the draw cannot be opened promptly or when draw is opened and is to be closed for any reason, the signal is two red lights flashed *alternately;* or a red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel.

(B) When the draw can be opened promptly, the signal is two amber lights *flashed alternately;* or a white flag by day or a white light by night swung in vertical circles at arm's length in full sight of the vessel.

(C) When draw is open for passage, the signal is two green lights *flashed alternately;* or a green flag by day or a green light by night, swung in vertical circles at arm's length in full sight of the vessel.

NOTE: The two red, amber and green light units will be located on the northwest and southeast towers on the bridge. They will be oriented with respect to the existing channel, and flashed for about 10 seconds duration with alternate flashes not to exceed two seconds each and be provided with candlepower sufficient to be readily visible to approaching waterborne traffic for at least ½ mile.

(d) No vessel shall attempt to navigate the draw of the bridge until the green light or green flag acknowledging signals are given.

(e) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for opening the draw.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 74-024, 41 FR 11290, Mar. 18, 1976, as amended by CGD 78-91, 44 FR 12031, Mar. 5, 1979]

### § 117.432a Matanzas Pass, Fla.; Florida State Road Department bridge (State Road 865) at Fort Myers Beach.

(a) The owner of or agency controlling the bridge shall not be required to open the draw from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. except at 8 a.m. and 5 p.m. to allow accumulated vessels to pass. From 9 a.m. to 4 p.m., the draw shall open on the hour and half hour to allow accumulated vessels to pass. From 6 p.m. to 7 a.m. the draw shall open on signal.

(b) Public vessels of the United States tugs with tows, or vessels in distress shall pass the draw at any time. The signal for these vessels is 4 blasts of a whistle or horn.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that they can easily be read at any time, signs setting forth the sa-nent features of the regulations of this section.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 71-64A, 36 FR 20228, Oct. 19, 1971]

### § 117.433 Halifax River, AIWW, Volusia County, Fla.

The draws of each bridge from Ormond Beach through Port Orange shall open on signal except that:

(a) *Ormond Beach*, Halifax River, AIWW, mile 824.9, Granada Avenue bridge, Ormond Beach, FL. From 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. However, the draw shall open at 8:00 a.m. and 5:00 p.m. to pass any accumulated vessels. The draw shall open on signal on Federal and Florida State holidays.

(b) *Seabreeze*, Halifax River, AIWW, mile 829.1, Seabreeze bridge, Seabreeze Boulevard, Daytona Beach, FL. From 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. However, the draw shall open at 8:00 a.m. and 5:00 p.m. to pass any accumulated vessels. The draw shall open on signal on Federal and Florida State holidays.

(c) *Memorial*, Halifax River, AIWW, mile 830.6, Memorial bridge, Orange Avenue to Silver Beach Street, Daytona Beach, FL. From 7:45 a.m. to 8:45 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. However, the draw shall open at 8:15 a.m. and 5:15 p.m. to pass any accumulated vessels. The draw shall open on signal on Federal and Florida State holidays.

(d) *Port Orange*, Halifax River, AIWW, mile 835.5, Port Orange bridge, State Road A-1-A (Dunlawton Avenue), Port Orange FL. From 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. However, the draw shall open at 8:00 a.m. and 5:00 p.m. to pass any accumulated vessels. The draw shall open on signal on Federal and Florida State holidays.

(e) The opening signal for each bridge is three blasts of a whistle, horn, or other sound-producing device or by shouting.

(f) Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time. The opening signal from these vessels is four blasts of a whistle, horn, or other sound-producing device or by shouting.

(g) During periods when storm signals are displayed in the Daytona Beach area, the draws shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected.

(h) The owners of or agencies controlling these bridges shall post signs on both the upstream and downstream sides of the bridges or adjacent to the bridges, that can be easily read at any time from an approaching vessel, stating the provisions of the regulations in this section as they apply to each bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 78-172, 44 FR 66196, Nov. 19, 1979]

### § 117.433a Indian River North, AIWW, mile 846.5, Harris Saxon Bridge, Lytle Avenue, SR A-1-A, New Smyrna Beach, Fla.

(a) Except as provided in paragraph (b) of this section, on Saturdays, Sundays, and national holidays, from March 15 through October 15, from 3 p.m. to 6 p.m., the draw need not open for the passage of vessels except on the hour and half-hour. At all other times the draw shall open on signal.

(b) The draw shall open at any time for passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, in such a manner that they may be easily read from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CGD 76-228, 42 FR 61041, Dec. 1, 1977; 43 FR 958, Jan. 5, 1978]

### § 117.434a Haines Creek, Fla., State Road 44 near Lisbon.

(a) The draw shall open on signal if at least 3 hours' notice has been given.

(b) The owner of or agency controlling this bridge shall conspicuously post notices containing the substance of these regulations both upstream and downstream of the drawbridge on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

[CGFR 70-73a, 36 FR 20159, Oct. 16, 1971]

### § 117.434b Dead River, Fla., Seaboard Coast Line railroad bridge.

(a) From 6 a.m. to 10 p.m., the draw shall open on signal. From 10 p.m. to 6 a.m., the draw need not open for the passage of vessels.

[CGFR 70-73a, 36 FR 20159, Oct. 16, 1971]

### § 117.435 Indian River, AIWW, mile 876.6, Florida East Coast automated railroad bridge near Jay Jay, Fla.

(a) The bridge will not be manned by a regular attendant.

(b) The bascule span will normally be in the open position, displaying flashing green signals, to allow the movement of water traffic.

(c) When a train approaches the bridge, the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts, etc.

(d) After an eight (8) minute time delay, the bridge will lower and lock providing the scanning equipment reveals nothing under the bridge.

(e) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(f) Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight (8) minutes or while the approach track circuit is occupied.

### § 117.435a Banana River, Fla.: NASA Causeway Bridge near Orsino.

(a) Any authorized vessel or person requiring the drawspan to be opened for the passage of navigation shall give the NASA Security Office by telephone at least 4 hours' advance notice of the time at which such opening will be required.

(b) The owner of or operator of the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that they can easily be read at any time, copies of the regulations together with a notice stating exactly how the Security Office specified in paragraph (a) of this section may be reached for opening the drawspan.

### § 117.436 Indian River, AIWW, mile 878.9, SR 402 Bridge, Titusville, Fla., AIWW, mile 885.0, NASA Causeway Bridge, SR 405, Addison Point, Fla.; AIWW, mile 914.4, Eau Gallie Causeway Bridge, SR 3/518, Eau Gallie, Fla.; and AIWW, mile 918.2, Melbourne Causeway Bridge, SR 516, Melbourne, Fla.

(a) The draw of the bridge at Titusville shall open on signal, except on Monday through Friday, from 6:45 a.m. to 7:45 a.m. and from 4:15 p.m. to 5:45 p.m., the draw may remain closed.

(b) The draw of the bridge at Eau Gallie shall open on signal from 5:45 p.m. to 6:45 a.m. From 8:15 a.m. to 4:15 p.m. daily, the draw shall open on the quarter-hour and three-quarter hour if any vessels are waiting to pass. From 6:45 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:45 p.m., Monday through Friday, except legal holidays, the draw need not open for the passage of vessels; however, the draw shall open at 8:15 a.m. and 4:15 p.m. if any vessels are waiting to pass.

(1) The draw of the bridge at Melbourne shall open on signal from 5:45 p.m. to 6:45 a.m., from 8:15 a.m. to 8:30 a.m., and from 4 p.m. to 4:15 p.m. From 8:30 a.m. to 4:00 p.m. daily, the draw shall open on the hour and half-hour if any vessels are waiting to pass. From 6:45 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:45 p.m., Monday through Friday, except legal holidays, the draw need not open for the passage of vessels.

(c) The draw of the John F. Kennedy Space Center (NASA) bridge at Addison Point shall open on signal except on Monday through Friday from 6:45 a.m. to 8 a.m. and from 4:15 p.m. to 5:45 p.m., the draw may remain closed.

(d) The draws of each bridge in this section shall open at any time for public vessels of the United States, tow boats with tows, and vessels in an emergency situation upon four blasts of a whistle, horn, or similar device.

(e) The owner of or agency controlling each bridge shall post a copy of this section in such a manner that it can be read from an approaching vessel, on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 71-29a, 36 FR 18527, Sept. 16, 1971, as amended by CGD 75-180, 41 FR 6260, Feb. 12, 1976]

### § 117.436a Loxahatchee River at Jupiter, St. Lucie River (Okeechobee Waterway) at Stuart and St. Lucie Canal (Okeechobee Waterway) at Port Mayaca, Fla.; automatic operation of Florida East Coast Railway bridges.

(a) The bridges will not be manned by a regular attendant.

(b) The spans will normally be in open position, displaying flashing green signals, to allow the movement of water traffic.

(c) When a train approaches one of the bridges the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts, etc.

(d) After an eight (8) minute time delay, the bridge will lower and lock providing the scanning equipment reveals nothing under the bridge.

(e) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(f) Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight (8) minutes or while the approach track circuit is occupied.

### § 117.437 Canaveral Harbor Barge Canal, Fla.; Florida State Road A1A bridge on Merritt Island.

(a) From 6:45 a.m. to 7:45 a.m. and from 4:15 p.m. to 5:45 p.m. Monday through Friday, excluding national holidays, the draw need not be opened except for the passage of towboats with tows, public vessels, and vessels in distress.

(b) From 10 p.m. to 6 a.m. constant attendance of the draw is not required, and at least 3 hours' advance notice to the authorized representative is required for the opening of the draw.

(c) At all other times, the draw shall be opened promptly on signal.

(d) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that they can easily be read at any time, copies of the regulations in this section together with directions stating how the authorized representative may be contacted.

[CGFR 68-58, 33 FR 11544, Aug. 14, 1968]

### § 117.438 Canaveral Harbor Barge Canal, Fla.; Florida State Road 401 at Canaveral Harbor.

(a) From 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 5:15 p.m. Monday, through Friday, excluding national holidays, the draw need not be opened except for the passage of towboats with tows, public vessels, and vessels in distress.

(b) From 10 p.m. to 6 a.m. constant attendance of the draw is not required, and at least 3 hours' advance notice to the authorized representative is required for the opening of the draw.

(c) At all other times, the draw shall be opened promptly on signal.

(d) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that they can easily be read at any time, copies of the regulations in this section together with directions stating how the authorized representative may be contacted.

[CGFR 68-58, 33 FR 11544, Aug. 14, 1968]

### § 117.438a Indian River, AIWW, mile 951.9, Merrill Barber Bridge, SR 60, Vero Beach, Fla.

(a) Except as provided in paragraph (b) of this section, the draw shall be opened on signal for the passage of vessels.

(b) From 7:45 a.m. to 9 a.m., 12 noon to 1:15 p.m., and 4 p.m. to 5:15 p.m. Monday through Friday, except national holidays, the draw need not open for the passage of vessels. However, the draw shall open at 8:30 a.m., 12:30 p.m., and 4:30 p.m. if any vessels are waiting to pass.

(c) The draw shall open at any time for the passage of public vessels of the United States, State, or local government vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(d) The owner of or agency controlling the bridge shall conspicuously post notice containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(e) During periods when storm signals are displayed in the Vero Beach area, the draw shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. The opening signal is three blasts of a whistle, horn, or other sound-producing device, or by shouting.

[CGD 72-155R, 38 FR 12396, May 11, 1973]

### § 117.438b St. Lucie River, Fla., Roosevelt Bridge, U.S. Highway No. 1, Stuart.

(a) From 7:30 a.m. to 9:00 a.m. and 4:30 p.m. to 6:00 p.m., Monday through Friday, the draw need not open for passage of vessels except that on the hour and half-hour the draw shall open to pass awaiting vessels. At all other times the draw shall open on the signals set forth in § 117.240.

(b) The draw shall open at any time for the passage of public vessels of the United States, State, or local government vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations both upstream and downstream on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 72-168, 41 FR 23400, June 10, 1976]

### § 117.438c AIWW, mile 1,013.7, Parker Bridge, U.S. 1, North Palm Beach, Fla.

(a) The draw shall open on signal, except that from November 15 through April 15, from 7 a.m. to 7 p.m., the draw need open only on the hour and half-hour, except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 76-217, 43 FR 8518, Mar. 2, 1978]

### § 117.439 St. Lucie Canal, Fla.; Seaboard Air Line Railroad Co. bridge near Indiantown.

(a) The owner of or agency controlling the bridge shall not be required to keep a drawtender in constant attendance or to open the drawspan between the hours of 10 p.m. and 6 a.m. except as provided in paragraph (b) of this section.

(b) Owners and operators of vessels unable to pass under the bridge in a closed position are urged to schedule their trips to pass the bridge between the hours of 6 a.m. and 10 p.m. The drawspan will be opened between the hours of 10 p.m. and 6 a.m., however, for the passage of commercial tows when it can be shown that the passage could not be scheduled during regular hours of operation without extreme inconvenience and added cost: *Provided*, That at least 3 hours' advance notice of the time at which such opening will be required is given to the Chief Dispatcher, Seaboard Air Line Railroad Co., Jacksonville, Fla.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in such manner that they can easily be read at any time, signs setting forth the salient features of the regulations and the current telephone number of the authorized representative specified in paragraph (b) of this section, and shall keep the District Commander and the Locktender at St. Lucie Lock notified of the current telephone number.

### § 117.439a St. Lucie Canal, Fla.; the Martin County bridge on State Road 76A near the Arundel Shops (Palm City Farms).

(a) The owner of or agency controlling the bridge shall not be required to keep a drawtender in constant attendance or to open the drawspan between the hours of 10 p.m. and 6 a.m., except upon 3 hours' advance notice for the passage of commercial tows. Regular drawtender service will be maintained between the hours of 6 a.m. and 10 p.m.

(b) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that they can easily be read at any time, signs setting forth the salient features of the regulations and stating exactly how the representative currently designated to receive the advance notice for opening the bridge may be reached.

### § 117.440 Lake Worth, AIWW, mile 1,021.9, Flagler Memorial Bridge, SR A-1-A, and AIWW, mile 1,022.6, Royal Park Bridge, SR 704, Palm Beach, Fla.

(a) From December 1 through April 30 between the hours of 7:30 a.m. and 6 p.m. the draws of these bridges need not be opened for the passage of vessels except that the Flagler Memorial draw shall be opened on the hour and half hour and the Royal Park draw shall be opened on the quarter hour and three-quarter hour during this period to permit any waiting vessel to pass. At all other times the draws shall be opened promptly on signal.

(b) The draws shall be opened to allow the passage of a vessel in distress, a public vessel of the United States or of a commercial tow at any time upon the sounding by the vessel of four blasts of a whistle or horn.

(c) The owner of or agencies controlling the bridges shall place conspicuously on both sides of each bridge signs of such size that they can be easily read at any time, clearly indicating the nature of the regulations.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-92a, 36 FR 982, Jan. 21, 1971]

### § 117.440a Lake Worth, AIWW, mile 1,024.7, Southern Boulevard Bridge, SR 700/80, Palm Beach, Fla.

(a) The draw shall open on signal except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except Federal and State holidays, the draw need not open for the passage of vessels. However, the draw shall open at 8:15 a.m. and 5:30 p.m. if any vessels are waiting to pass.

(b) The draw shall open at any time to allow the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling the bridge shall place conspicuously on both sides of the bridge, signs of such size that they can easily be read at any time from an approaching vessel, clearly indicating the nature of these regulations.

[CGD 74-117, 39 FR 36335, Oct. 9, 1974]

### § 117.441a West Palm Beach Canal, Fla.; U.S. 1 bridge.

The draw shall open on signal if at least 24 hours notice is given.

[CGD 75-70, 40 FR 25004, June 12, 1975]

### § 117.442 Hillsboro Inlet, Fla.; A1A bridge.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting on each quarter hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

[CGD 74-22, 40 FR 4307, Jan. 29, 1975]

### § 117.442a Hillsboro River, AIWW, mile 1,055.0, Northeast 14th Street Bridge, Pompano, Fla.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting only 15 minutes after and 15 minutes before the hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and down stream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

[CGD 74-22, 40 FR 4307, Jan. 29, 1975]

### § 117.443 Hillsboro River, AIWW, mile 1,056.0, Atlantic Boulevard Bridge, SR 814, Pompano, Fla.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting only on the hour and half hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The opening signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

[CGD 74-22, 40 FR 4307, Jan. 29, 1975]

### § 117.445 New River Sound, AIWW, mile 1,059.0, Commercial Boulevard Bridge, Northeast 50th Street, SR 870, Lauderdale-by-the-Sea, Fla.

(a) The draw shall open on signal except that from November 1 through May 15 from 12 noon to 6 p.m., Monday through Saturday, and from 9 a.m. to 6 p.m. on Sunday the draw need not open except on the hour, quarter-hour, half-hour and three-quarter hour if any vessels are waiting to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats and vessels in distress. The opening signal from these vessels shall be four blasts of a whistle, horn, or other sound-producing device or by shouting.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 74-180, 40 FR 19471, May 5, 1975]

**§ 117.446 New River Sound, AIWW, mile 1,062.6, Sunrise Boulevard Bridge, Northeast 10th Street; AIWW, mile 1,065.9, Brook Memorial Bridge, Alternate SR A-1-A and Southeast 17th Street, Fort Lauderdale, Fla.**

(a) East Las Olas Boulevard Bridge across New River Sound. The draw shall open promptly on signal.

(b) Sunrise Boulevard Bridge across New River Sound.

(1) From November 15 through May 15 the draw need not open from 7:15 a.m. to 6:15 p.m. except on the quarter hour and three quarters hour. At all other times the draw shall open on signal.

(2) Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time upon a signal of four short blasts of a whistle, horn, or by shouting.

(c) [Reserved]

(d) The owner of or agency controlling the bridges shall place signs, of a size and description designated by the District Commander, at each side of these bridges and at a distance of one-half mile above and below each bridge indicating the nature of the regulations.

(e) *Southeast 17th Street bridge across the Stranahan River (A.I.W.W.).* (1) From 7 p.m. to 7 a.m. the draw shall open on signal. From 7 a.m. to 7 p.m. the draw shall open on signal, however, the draw need not reopen for a period of 15 minutes after each closure. The owner of or agency controlling the bridge will display on both sides thereof a time clock acceptable to the District Commander which will indicate to approaching vessels the number of minutes remaining before the draw will be available for opening.

(2) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tug with a tow, a vessel owned and operated by the United States or a vessel in distress. The proper signal for such an opening shall be indicated by four blasts of a whistle, horn, or similar device.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Commander, setting forth the salient features of the regulations in this paragraph.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 72-170R, 39 FR 14201, Apr. 22, 1974; CGD 74-115, 39 FR 36335, Oct. 9, 1974]

**§ 117.446a Lake Mable-Dumfounding Bay, AIWW, mile 1,072.2, Hollywood Boulevard Bridge, SR 820, Hollywood, Fla.**

(a) During the period November 15 to May 15, inclusive, the owner of or agency controlling the Hollywood Boulevard bridge will not be required to open the drawspan between the hours of 10:00 a.m. and 6:00 p.m., except on half-hour intervals, on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (c) of this section.

(b) During the period May 16 to November 14, inclusive, on Saturdays, Sundays, Memorial Day, Independence Day, Labor Day and Veterans Day, the owner of or agency controlling the bridge will not be required to open the drawspan between the hours of 9:00 a.m. and 7:00 p.m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (c) of this section.

(c) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tow, sailing vessel, vessel in distress, and cruise boats operating on regular schedule. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(d) The owner or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides thereof in such manner that it can be easily read at any time.

**§ 117.446b Lake Mable-Dumfounding Bay, AIWW, mile 1,074.0, Hallendale Beach Boulevard Bridge, SR 824, Hallendale, Fla.**

(a) The draw shall open on signal from 6:15 p.m. to 7:15 a.m. From 7:15 a.m. to 6:15 p.m. the draw need not open except on the quarter and three-quarter hour to allow any accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 74-257, 41 FR 754, Jan. 5, 1976]

### § 117.446c New River and South Fork of New River, Fort Lauderdale, Fla.; bridges.

(a) *Southeast 3rd Avenue bridge across New River, mile 1.4.* (1) The draw shall open on signal except that from 7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m. Monday through Friday, the draw need not open for the passage of vessels.

(2) The draws shall open at any time for the passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats, and vessels in distress. The opening signal from these vessels shall be four blasts of a whistle, horn, other sound producing device or by shouting.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Commander, setting forth the salient features of the regulations in this paragraph and paragraph (b) of this section.

(b) *Andrews Avenue bridge over New River.* Except as provided in paragraphs (b) (2) and (3) of this section, the owner of or agency controlling this bridge will not be required to open the drawspan for an upbound boat when the nearby Florida East Coast Railroad bridge is in a down position.

(c) *Southwest 12th Street Bridge across South Fork of New River, mile 0.9.* (1) The draw shall open on signal except than from 7:30 a.m., to 8:30 a.m., and 4:30 p.m., to 5:30 p.m., Monday through Friday, the draw need not open for the passage of vessels.

(2) The draws shall open at any time for the passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats and vessels in distress. The opening signal from these vessels shall be 4 blasts of a whistle, horn, other sound producing device or by shouting.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Commander, setting forth the salient features of the regulations in this paragraph and paragraph (b) of this section.

(d) *State Road No. 84 bridge at Mile 4.4 over South Fork of New River.* The owner of or agency controlling this bridge will not be required to keep a draw tender constantly on duty. An advance notice of at least 24 hours will be required to open the drawspan.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended at CGD 72-170R, 38 FR 14379, June 1, 1973; CGD 74-114, 39 FR 39040, Nov. 5, 1974]

### § 117.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.

(a) The owners of or agencies controlling this drawbridge from December 1 to April 15 need not open the draw for the passage of vessels from 11 a.m. to 6 p.m. except that on the hour the draw shall be opened for any vessels waiting to pass. At all other times the draw shall be opened on signal.

(b) The drawspan shall be opened promptly for passage of a vessel in an emergency involving danger to life or property, cruise boats operating on regular schedules and vessels owned and operated by the United States. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 69-42, 34 FR 8967, June 5, 1969]

### § 117.446e Biscayne Bay, AIWW, mile 1081.4, Broad Causeway Bridge, Northeast 123rd Street, between North Miami and Bay Harbor Islands, Fla.

(a) The draw shall open on signal from 6 p.m. to 8 a.m. From 8 a.m. to 6 p.m., the draw need open only on the hour and half-hour to allow any accumulated vessels to pass.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The owner of or agency controlling the bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

### § 117.446f Biscayne Bay, AIWW, mile 1,089.4, highway and railroad bridges, Dodge Island, Miami, Fla.

(a) From 7:15 a.m. to 5:45 p.m., Monday through Saturday, except legal holidays, the draws need not open except on the quarter and three-quarter hour to allow any accumulated vessels to pass. At all other times the draws shall open on signal.

(b) The draws shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5))

[CGD 76-139, 42 FR 30178, June 13, 1977; 42 FR 46302, Sept. 15, 1977]

### § 117.446g Biscayne Bay, AIWW, mile 1,078.0, Sunny Isle Causeway Bridge, Northeast 163rd Street, SR 826, North Miami Beach, Fla.

(a) From 7 a.m. to 6 p.m., Monday through Friday, and 10 a.m. to 6 p.m., Saturdays, Sundays, and holidays, the draw need not open for the passage of vessels except that on the quarter hour and three quarter hour the draw shall open to pass any waiting vessels. At all other times the draw shall open on signal.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats on a regular schedule, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(c)(4))

[CGD 75-13, 40 FR 20817, May 13, 1975]

### § 117.447 Biscayne Bay, AIWW, mile 1,088.8, MacArthur Causeway Bridge, U.S. 41, SR A-1-A; and AIWW, mile 1,088.6, east and west spans of the Venetian Causeway Bridges, Miami, Fla.

(a) MacArthur Causeway: The draws shall open promptly on signal; however, from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. the draws need open only on the hour and half hour if any vessels are waiting to pass.

(b) West span Venetian Causeway: The draws shall open promptly on signal; however, from November 1 through April 30, from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, the draws need open only on the hour and half hour if any vessels are waiting to pass. The draws shall open promptly on signal on Thanksgiving, Christmas, New Year's Day, and Washington's Birthday.

(c) East Span Venetian Causeway: The draws shall open promptly on signal; however, the draws need not open from November 1 through April 30, from 7:15 a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m., Monday through Friday, except that the draws shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m., and 5:45 p.m., if any vessels are waiting to pass during this period. The draws shall open promptly on signal on Thanksgiving, Christmas, New Year's Day, and Washington's Birthday.

(d) The draws of these bridges shall open at any time for passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats and vessels in distress. The opening signal from these vessels shall be four blasts of a whistle, horn, other sound producing device, or by shouting.

(e) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations, both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

[CGD 72-230R, 38 FR 6893, Mar. 14, 1973]

### § 117.447a Biscayne Bay, AIWW, mile 1,091.6, Rickenbacker Causeway Bridge, Miami, Fla.

(a) The draw shall open on signal except that—

(1) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except legal holidays, the draw need open only on the hour and half-hour for vessels; and

(2) From 11 a.m. to 6 p.m. on Saturdays, Sundays, and legal holidays, the draw need open only on the hour and half-hour for vessels.

(b) [Reserved]

(c) During the display of small craft warnings or warnings for winds of greater force by the United States Weather Bureau affecting the area, the bridge shall be opened for the passage of vessels giving the usual signal at any time.

(d) The draw shall open at any time for the passage of a public vessel of the United States, tugs with tows, cruise boats operating on a regular schedule, or a vessel in an emergency involving danger to life or property. The opening signal from these vessels shall be 4 blasts of a whistle, horn, other sound producing device, or by shouting.

(e) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both sides thereof, in such manner that it can be easily read at any time.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-158a, 36 FR 11435, June 12, 1971]

### § 117.448 Miami River, Fla.; highway bridges from mouth to and including State of Florida bridge at Northwest 27th Avenue, Miami.

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owners of or agencies controlling these bridges shall not be required to open the drawspans for the passage of vessels from 7:30 to 9 a.m. and from 4:30 to 6 p.m., on all days other than Saturdays, Sundays, and the following legal holidays: New Year's Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

(b) This section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of any bridge at any time on giving the usual signal.

(c) During the existence of a hurricane alert duly issued by the United States Weather Bureau affecting the Miami area, all of the bridges shall be opened for the passage of vessels giving the usual signal at any time.

(d) The draw of any bridge shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owners of or agencies controlling the bridges shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

(f) This section shall remain in full force and effect until revoked or modified by the Commandant.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 78-89, 44 FR 5659, Jan. 29, 1979]

### § 117.449 Miami River, Fla.; Seaboard Air Line Railroad Co. bridge, Miami.

The owner of or agency controlling the bridge will be required to provide bridge tender service only between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday. At all other times the draw will be opened for the passage of vessels upon three hours' advance notice.

### § 117.462 Caloosahatchee River, Okeechobee Waterway, mile 134.5, Edison Memorial Bridge, U.S. 41, Fort Myers, Fla.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 4:30 p.m., and 5:30 p.m., daily except on Sundays and the following legal holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger of life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that they can easily be read at any time, signs setting forth the salient features of the regulations in this section.

### § 117.462a Sarasota County bridges.

(a) Hatchett Creek, Gulf Intracoastal Waterway, mile 56.9, State of Florida highway bridge, U.S. Highway 41, Venice, Florida. The draw shall open on signal from 6 p.m. to 7:30 a.m. From 7:30 a.m. to 6 p.m. the draw need not open except on the hour, quarter-hour, half-hour, and three-quarter hour, and except as provided in paragraph (d) of this section.

(b) Ringling Causeway, Gulf Intracoastal Waterway, mile 73.6, State of Florida highway bridge, State Road 780, Sarasota, Florida. The draw shall open on signal from 6 p.m. to 7:30 a.m. From 7:30 a.m. to 6 p.m., the draw need not open except on the hour and half-hour, and except as provided in paragraph (d) of this section.

(c) New Pass, mile 0.0, State of Florida highway bridge, State Road 789, Sarasota County, Florida. The draw shall open on signal from 6 p.m. to 7:30 a.m. from 7:30 a.m. to 6 p.m., the draw need not open except on the hour, quarter-hour, half-hour and three-quarter hour, and except as provided in paragraph (d) of this section.

(d) The draws of each bridge in this section shall open at any time for the passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 76-230, 42 FR 39387, Aug. 4, 1977]

### § 117.463 Manatee River, Fla.; U.S. Route 41 drawbridge near Bradenton.

(a) The draw shall open on signal from 6 a.m. to 7 a.m. and 9 a.m. to 4 p.m.

(b) The draw need not open for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., however the draw shall open at 6 p.m. if any vessels are waiting to pass.

(c) From 6 p.m. to 6 a.m. the draw shall open on signal if at least three-hours notice is given.

(d) The draw shall open on signal from 6 a.m. to 6 p.m. for the passage of public vessels of the United States, tugs with tows and vessels in distress. From 6 p.m. to 6 a.m. the draw shall open as soon as possible for the passage of such vessels. The opening signal from such vessels is four blasts of a whistle or horn or by shouting.

(e) During a hurricane alert issued by the National Weather Service affecting the area the draw shall open on signal.

(f) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they may be easily read at all times from an approaching vessel. This notice shall state exactly how the authorized representative may be reached for openings of the draw.

[CGD 74-101, 40 FR 10987, Mar. 10, 1975]

### § 117.465 Hillsborough River, Tampa, Fla.

(a) City of Tampa highway bridges at Platt Street, mile 0.0; Brorein Street, mile 0.16; and the State of Florida highway bridge at Kenney Boulevard, mile 0.4. From 6 a.m. to 10 p.m., the draws shall open on signal except that from 7:30 a.m. to 9 a.m. and 4 p.m. to 6:15 p.m., Monday through Saturday, the draws of these bridges need not be opened for passage of vessels. From 10 p.m. to 6 a.m., the draws shall open on signal if at least 2 hours advance notice is given.

(b) City of Tampa highway bridges at Cass Street, mile 0.7, and Laurel Street, mile 1.0. From 6 a.m. to 10 p.m., the draws shall open on signal. From 10 p.m. to 6 a.m., the draws shall open on signal if at least 2 hours advance notice is given.

(c) Seaboard Coast Line Railroad bridge at Cass Street, mile 0.7. The draw shall open on signal from 4 p.m. to 12 midnight, Monday through Friday. At all other times the draw shall be maintained in the open to navigation position.

(d) City of Tampa highway bridge at West Columbus Drive, mile 2.3, and the State of Florida highway bridge at West Hillsborough Avenue, mile 4.8. From 8 a.m. to 6 p.m., the draws shall open on signal. From 6 p.m. to 8 a.m., the draws shall open on signal if at least 1 hour advance notice is given.

(e) Public vessels and vessels in distress. (1) From 6 a.m. to 10 p.m., the draws of the bridges listed in paragraph (a) of this section shall open on signal for the passage of public vessels of the United States, vessels owned or operated by State, county, or local governments for public safety purposes, or any vessel in distress. The opening signal is four blasts of a whistle, horn, or other sound-producing device.

(2) From 10 p.m. to 6 a.m., the draws of the bridges listed in paragraphs (a) and (b) of this section shall open as soon as possible but not longer than 1 hour after a request by a public vessel of the United States, vessels owned or operated by the State, county, or local governments used for public safety purposes, or any vessel in distress.

(f) The owners of or agencies controlling the bridges shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridges or elsewhere, in such a manner that they may be easily read at all times from an approaching vessel. This notice shall state exactly how the authorized representative may be reached for openings of the draw.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 77-146, 43 FR 8516, Mar. 2, 1978]

### § 117.466 Clearwater Harbor, AIWW, mile 136.0, Clearwater Memorial Causeway, SR 60, Clearwater, Fla.

(a) The draw shall be opened promptly on signal except that: (1) From 12 p.m. to 6 p.m. on Saturdays, Sundays, and legal holidays the draw need not be opened except on the hour and half-hour to allow all accumulated vessels to pass.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-57a, 36 FR 1194, Jan. 26, 1971]

### § 117.467 Clearwater Pass, Clearwater, Fla.

The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. a delay of up to 10 minutes may be expected.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(c)(4))

[CGD 74-299, 41 FR 27035, July 1, 1976]

### § 117.480 Intracoastal Waterway, Santa Rosa Sound, Fla.; Santa Rosa Island Authority highway bridge between Gulf Breeze and Santa Rosa Island, State Road 399.

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, it will not be necessary to open the draw span from 3 p.m. to 6 p.m., on Saturdays, Sundays, and national holidays from Memorial Day through Labor Day annually.

(b) Vessels owned or operated by the United States or commercial vessels shall be passed without delay through the draw of the bridge at any time on giving the signals prescribed in § 117.240(b) or (c).

(c) During the display or notification of small craft warnings or warnings for winds of greater force by the U.S. Weather Bureau, the bridge shall be opened for the passage of vessels giving the prescribed signals at any time.

(d) The draw of the bridge shall be opened at any time for the passage of any vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owner of or agency controlling the bridge shall keep a copy of the regulations conspicuously posted on both sides thereof, in such manner that it can be easily read.

[CGFR 67-98, 33 FR 2774, Feb. 9, 1968]

### § 117.485 Escatawpa River, Miss.; Mississippi State Highway 63 drawbridge, mile 1.0.

The draw need not open for the passage of vessels from 6:00 a.m. to 6:45 a.m., 7:00 a.m. to 7:30 a.m., 3:25 p.m. to 3:45 p.m., and 4:00 p.m. to 5:00 p.m., Monday through Friday, except on national holidays. At all other times the draw shall open promptly on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-114, 40 FR 32329, Aug. 1, 1975]

### § 117.491 Mobile River and Chickasaw Creek, Ala.; Alabama State Highway bridge across Mobile River and Louisville & Nashville Railroad Co. bridge across Chickasaw Creek at Mobile, Ala.

(a) *Sound signals for vessels.* (1) For vessels proceeding up or down Mobile River and requiring an opening of the highway bridge only, the vessel will give a signal of three long blasts.

(2) For vessels coming down Mobile River and intending to proceed up Chickasaw Creek, requiring an opening of the railroad bridge, the vessel will give a signal of one long blast, followed after a one minute interval by three long blasts.

(3) For vessels coming up Mobile River and intending to proceed up Chickasaw Creek, requiring an opening of both bridges, the vessel will give a signal of three long blasts, a one minute interval, and one long blast followed by three long blasts.

(4) The owners of or agencies controlling the bridges shall keep a legible copy of these regulations posted conspicuously on both the upstream and downstream sides of the bridges.

### § 117.495 Pascagoula River at Pascagoula, Miss.; U.S. 90 Highway Bridge.

The draw need not be opened for the passage of vessels from 6:15 a.m. to 7:15 a.m., 7:25 a.m. to 8 a.m., 3:15 p.m. to 4:15 p.m., and 4:30 p.m. to 5:30 p.m., Monday through Friday, except on national holidays when the draw shall open promptly on signal. At all other times the draw shall open promptly on signal.

[CGD 73-8R, 38 FR 7115, Mar. 16, 1973]

### § 117.505 Old Fort Bayou, Miss.

The draw of the old U.S. 90 bridge across the Old Fort Bayou, Ocean Springs, Miss., shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m. the draw shall open on signal if at least eight hours' notice is given to the Old Fort Bayou bridge tender. However, during periods of storm or hurricane warnings issued by the National Weather Service, the draw shall open on signal at all times.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-214, 41 FR 7945, Feb. 23, 1976]

### § 117.535 Inner Harbor Navigation Canal, New Orleans, La.

The draws of each bridge shall be opened promptly on signal except that from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, the draws of the New Seabrook vehicular bridge and the Danziger bridge at Chef Menteur Highway (U.S. 90) need not be opened for the passage of vessels except in an emergency.

[CGFR 70-139, 36 FR 1194, Jan. 29, 1971]

### § 117.540 Bridges in Louisiana where constant attendance is not required.

(a) The draws of the bridges listed below shall:

(1) Open on signal from 5 a.m. to 9 p.m.

(2) Open on signal from 9 p.m. to 5 a.m. if at least 3 hours notice is given from October 1 through January 31.

(3) Open on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given from February 1 through September 30.

Bayou Teche, mile 3.9, S-182 highway drawbridge at Calumet.

Bayou Teche, mile 11.8, S-87 highway drawbridge at Centerville.

Bayou Teche, mile 17.2, S-3069 highway drawbridge at Franklin.

Bayou Teche, mile 19.8, S-322 highway drawbridge at Sterling.

Bayou Teche, mile 22.3, S-323 highway drawbridge at Oaklawn.

Bayou Teche, mile 27.0, S-87 highway drawbridge at Baldwin.

Bayou Teche, mile 32.5, S-324 highway drawbridge at Charenton.

Bayou Teche, mile 37.0, S-670 highway drawbridge at Adeline.

Bayou Teche, mile 38.9, S-318 highway drawbridge at Sorell.

Bayou Teche, mile 41.8, S-671 highway drawbridge at Jeanerette.

Bayou Teche, mile 43.5, S-671 highway drawbridge at Jeanerette.

Bayou Teche, mile 48.7, S-320 highway drawbridge at Oliver.

Bayou Teche, mile 52.5, S-37 highway drawbridge at New Iberia.

Bayou Teche, mile 53.0, S-86 highway drawbridge at New Iberia.

Bayou Teche, mile 53.3, S-3156 highway drawbridge at New Iberia.

Bayou Teche, mile 56.7, S-344 highway drawbridge at New Iberia.

Franklin Canal, mile 4.8, Chatsworth drawbridge at Franklin.

Lower Atchafalaya River, mile 26.8, S-182 highway drawbridge at Patterson.

(b) The draws of the bridges listed below shall:

(1) Open on signal from 5 a.m. to 9 p.m.

(2) Open on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given.

West Pearl River, mile 7.9, U.S. 90 highway drawbridge near Pearlington.

Bayou Liberty, mile 2.0, S-433 highway drawbridge at Slidell.

Bayou Bonfouca, mile 7.0, S-433 highway drawbridge at Slidell.

Amite River, mile 6.0, S-22 highway drawbridge at Clio.

Houma Canal, mile 1.7, U.S. 90 highway drawbridge at Houma.

Bayou Du Large, mile 23.2, S 315 highway drawbridge, near Theriot.

Bayou Boeuf, mile 7.3, S-307 highway drawbridge at Kraemer.

Bayou des Allemands, mile 13.9, S-631 highway drawbridge at Des Allemands.

Bayou Little (Petit) Caillou, mile 25.7, S-58 highway drawbridge at Sarah.

Bayou Little (Petit) Caillou, mile 26.6, S-56 highway (Smith River) drawbridge near Montegut.

Bayou Little (Petit) Caillou, mile 29.9, S-56 highway (Duplantis) drawbridge near Bourg.

Bayou Little (Petit) Caillou, mile 33.7, S-24 highway drawbridge at Petit Caillou.

Bayou Terrebonne, mile 33.9, S-3087 highway drawbridge at Prospect.

Vermilion River, mile 22.4, S-82 highway drawbridge at Perry.

Vermilion River, mile 25.4, S-14 highway drawbridge at Abbeville.

Vermilion River, mile 26.0, S-14 highway drawbridge at Abbeville.

Vermilion River, mile 34.2, S-82 highway drawbridge, three miles south of Milton.

Vermilion River, mile 37.6, S-92 highway drawbridge at Milton.

Vermilion River, mile 41.0, S-733 highway drawbridge at Eloi Broussard.

Vermilion River, mile 44.9, S-3073 highway drawbridge at New Flanders.

Bayou Teche, mile 58.0, S-353 highway drawbridge at New Iberia.
Bayou Teche, mile 60.0, S-94 highway drawbridge at Loreauville.
Bayou Teche, mile 61.0, MoPac railroad drawbridge at Loreauville.
Bayou Teche, mile 62.5, S-344 highway drawbridge at Loreauville.
Bayou Teche, mile 69.0, S-86 highway drawbridge at Daspit.
Bayou Teche, mile 77.7, St. Martin Sugar Cooperative railroad drawbridge at Levert.
Bayou Teche, mile 2.3, S-330 highway drawbridge at Delcambre.
Superior Oil Co. Canal, mile 6.3, S-82 highway drawbridge in Cameron Parish.
Bayou Patout, mile 0.4, S-83 highway drawbridge at Weeks.
Bayou Plaquemine Brale, mile 8.0, S-91 highway drawbridge at Esterwood.

(c) *GIWW, mile 243.8, west of Harvey Canal Locks.* When more than 50 feet vertical clearance is required, the draw shall open on signal if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer, Lake Charles, La.

(d) In all other respects, the provisions of § 117.240 shall govern the operations of these bridges.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 73-214R, 39 FR 18766, May 30, 1974, as amended by CGD 74-214, 39 FR 41849, Dec. 3, 1974; CGD 74-215, 40 FR 3290, Jan. 21, 1975; CGD 74-234, 40 FR 4307, Jan. 29, 1975; CGD 74-235, 40 FR 10987, Mar. 10, 1975; CGD 75-131, 41 FR 2385, Jan. 16, 1976; CGD 76-068, CGD 76-077, 41 FR 35522, Aug. 23, 1976; CGD 76-093, 41 FR 39743, Sept. 16, 1976; CGD 77-051, 43 FR 3562, Jan. 26, 1978]

### § 117.548 Sabine Lake, Tex., S-82 bridge.

The draw shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least six hours notice is given to the Maintenance Construction Supervisor or the Maintenance Foreman, Port Arthur, Texas.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 76-112, 41 FR 39744, Sept. 16, 1976]

### § 117.550 Cedar Bayou, Tex., Missouri Pacific automated drawbridge.

(a) The bridge need not be manned by a regular attendant.

(b) The lift span shall be maintained at a vertical clearance of 81.4 feet above mean high water. Fixed green navigation lights shall be displayed in the center of the lift span.

(c) When a train approaches the bridge, the navigation lights shall be changed from green to red, alternating flashing red lights shall be turned on, a horn shall be sounded for 6 minutes, and at the end of 6 minutes the horn shall be stopped and the draw may be lowered and locked if the scanning equipment does not detect any object under the span. If the scanning equipment detects an obstruction, the draw shall be raised until the obstruction is cleared.

(d) After a train has cleared the bridge, the draw shall be raised to 81.4 feet above mean high water, the flashing red lights shall be stopped, and the navigation lights shall be changed from red to green.

[CGFR 70-129a, 36 FR 12165, June 26, 1971, as amended by CGD 75-058, 40 FR 14594, Apr. 1, 1975]

### § 117.552 Clear Creek, Tex., S-146 bridge.

The draw shall open on signal, except that on Saturdays, Sundays and holidays, from 8 a.m. to 8 p.m., the draw need open only every other 10 minutes if any vessels are waiting to pass.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

[CGD 80-17, 45 FR 29020, May 1, 1980]

### § 117.553 Pelican Island Causeway drawbridge, Galveston, Tex.

(a) The draw shall open on signal except that from 7 a.m. to 8:30 a.m., 12 noon to 1 p.m. and 4:15 p.m. to 5:15 p.m., Monday through Saturday, except national holidays, the draw need not open for the passage of vessels.

(b) The draw shall open at any time for public vessels of the United States or vessels in distress. The opening signal is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

[CGD 74-85, 39 FR 27649, July 31, 1974]

### § 117.554 Victoria Channel, mile 29.4 near Bloomington, Tex.

(a) The bridge need not be manned by a regular attendant.

(b) The lift span is normaly in the down position, providing a vertical clearance of 22 feet above mean high water.

(c) Three long blasts of a horn or whistle from an approaching vessel activates navigational approach detectors, located one-half mile upstream and downstream from the bridge. If the span is inoperable, these sound signals will activate an alarm to alert bridge maintenance crews.

(d) Interruption of the approach detector beams by a vessel will cause (1) the draw to open to the fully raised position of 50 feet above mean high water for 10 minutes, (2) a navigation warning siren to sound, (3) the navigtion light in the center of the lift span to change from red to green, (4) the indicator lights, located one quarter mile of each side of the bridge, to change from red to yellow. However, if a train is approaching the bridge so closely that the train may not be safely stopped, the light will remain red and the bridge will not open until the train has passed.

(e) Interruption of the detector beam, located at the end of the bridge fender system will cancel the existing time intervals and start a new 10-minute interval during which the bridge will remain open. The span will not close until the vessel clears the detector located at the opposite end of the fender system, or the 10-minute interval elapses, whichever occurs earlier.

(f) If a vessel is unable to reach the detectors located on the outer ends of the fender system before the span closes, an additional signal of three long blasts of a horn or whistle will cause the span to reopen and initiate a new 10-minute interval.

(g) If the draw is in the open position for the passage of a vessel, and a train enters an approach circuit to the bridge, the bridge will remain open for 5 minutes if the detector beam has been interrupted. If the detector beam has not been interrupted the span will close at the end of the original 10-minute opening period and will not reopen in response to the additional signal described in paragraph (f). After the train passes, the span will open on signal for any waiting vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 77-230, 43 FR 52236, Nov. 9, 1978, as amended at 44 FR 2386, Jan. 11, 1979]

### § 117.555 Mississippi River and its navigable tributaries and outlets, including the Atchafalaya River, La., above Grand Lake; bridges.

(a) The owner of or the agency controlling a drawbridge crossing a navigable water of the United States shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) The draw shall be opened promptly when the signal prescribed in paragraph (d) of this section for the opening of the draw is received from an approaching vessel or other water craft which cannot pass under the closed draw, excepting when an approaching train is so close that it cannot be stopped safely before reaching the bridge or an approaching passenger or mail train is within sight or hearing of the bridge operator.

(c) Trains, vehicles, vessels, or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the draw span or through the draw opening shall be in a manner to expedite both land and water traffic.

(d) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* The general signal shall be one long blast of a whistle, horn, or siren, or one loud and distinct stroke of a bell, repeated at intervals until the acknowledging signal hereinafter prescribed is received from the bridge operator, except when a vessel or other water craft is about to leave a point between two drawbridges and within sight or hearing of them to pass through the draw downstream or in the direction of the ebb current, the signal shall be followed after a brief interval by an additional blast or distinct stroke of a bell.

(ii) *Visual signal.* A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw. This signal is to be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) *Acknowledging signals by bridge operation*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open must be closed immediately: Four or more short and rapid blasts of a whistle, horn, or siren, or four sharp and rapid strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* The system of visual signals (hereinafter described) to be used in each individual case will be subject to the approval of the District Commander. They will be used in conjunction with sound signals when conditions are such that sound signals alone are insufficient. Draw to be opened immediately: Green light (or a white flag during daylight hours) swung up and down vertically a number of times in full sight of the vessel, or three flashing green lights so located as to be visible to approaching vessels, or during daylight hours three cylinders or balls so located as to be visible to approaching vessels. Draw cannot be opened immediately, or if open must be closed immediately: A red light (or a red flag during daylight hours) swung to and fro horizontally in full sight of the vessel, or during daylight hours one cylinder or ball so located as to be visible to approaching vessels.

(3) *Acknowledging signals by the vessel.* Vessels or other watercraft having signaled for the opening of a draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, will acknowledge said signal by one long blast followed by a short blast or by swinging to and fro horizontally a red flag by day or a red light at night.

(e) A vessel approaching to pass two or more bridges less than 800 feet apart shall signal the first bridge as prescribed in paragraph (d) of this section and give the same signals for the second bridge after an interval of about 10 seconds, and so on, thus giving at intervals of about 10 seconds separate signals for each bridge to be passed. The operator of each bridge shall reply as prescribed in paragraph (d) of this section.

(f) When two or more vessels are approaching to pass a drawbridge from opposite directions, the person in charge of each vessel shall signal for the opening of the draw as prescribed in paragraph (d) of this section. The vessel running with the current shall have the right of way. At slack tide the vessel running in ebb current direction shall have right of way. The bridge operator shall reply as prescribed in paragraph (d) of this section.

(g) When vessels are approaching a bridge span or a draw from the same direction, each vessel shall signal independently for the opening of the draw and shall be navigated in accordance with the pilot rule applicable to the waterway governing such vessels.

(h) Special supplemental regulations may be prescribed to provide for closed or open periods when land or water traffic predominates and to provide for intermittent attendance of bridge operators on bridges across streams where water traffic is minor or at times nonexistent. Owners of or the agency controlling bridges for which such special supplemental regulations are prescribed will be required to keep a copy thereof posted in a conspicuous place on both the upstream and downstream sides of the bridges.

NOTE: The special regulations contained in §§ 117.560 to 117.605, inclusive, prescribed where local conditions require to govern the operation of certain bridges, supplement the general regulations contained in § 117.555.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 80-78, 44 FR 43704, June 30, 1980]

### § 117.556 Arkansas and White Rivers, automated railroad bridges.

(a) The bridges in this section do not require constant attendance.

(b) The draws of the Missouri Pacific Railroad bridge (Benzal), mile 7.6, White River and the St. Louis-San Francisco Railroad bridge, mile 295.1, Arkansas River, will normally be maintained in the open position which provides a minimum vertical clearance of 52 feet. Effective July 1, 1973, through November 30, 1973, the movable span of this bridge shall be immobilized to permit the removal of the swingspan, the removal of the pivot pier, and the installation of a new vertical lift span in the same location.

(1) When a train approaches either bridge, amber lights attached to the bridge begin to flash and an audible signal on the bridge is sounded. At the end of 6 minutes the amber light shall continue to flash, however, the audible signal shall stop and the draw shall lower and lock, if the photoelectric boat detection system detects no obstruction under the span. If there is an obstruction, the draw shall be raised to its full height until the obstruction is cleared.

(2) After the train has cleared the bridge, the draw shall be raised to its full height and the amber flashing light shall be stopped and the midchannel lights changed from red to green indicating the navigation channel is open for the passage of vessels.

(c) Across the Arkansas River the draws of the Cotton Belt Railroad bridge, mile 66.3, the Chicago, Rock Island, and Pacific Railroad bridge, mile 116.2 and the Missouri Pacific Railroad bridges at mile 116.7 and 117.6 (Junction and Baring Crossing) will normally be maintained in the closed position.

(1) The opening signal for these bridges is three short blasts.

(2) The acknowledging signal is flashing white lights visible upstream and downstream.

(3) When the vessel sights the acknowledging signal, one long blast shall be sounded.

(4) This signal shall be acknowledged when the draw is to open by changing the flashing white lights to continuous white lights, while sounding one blast on a horn followed by raising the span to a maximum clearance of 52 feet. When the span is fully raised the navigation lights at midchannel shall change from red to green. If the draw cannot be opened flashing amber warning lights shall be started and four blasts will be sounded indicating that a train is approaching or that maintenance work is in progress. The vessel shall acknowledge that there will be a delay by sounding four blasts of the boat horn and standing by. When the draw will be opened after the train has crossed the closed draw or when maintenance work permits, the amber lights will be turned off and the draw will turn on the white lights while signaling with one blast. The vessel shall acknowledge with one blast and after the draw is open, shall proceed through the draw.

(5) When the vessel has cleared the draw, the midchannel navigation light will change from green to red, the amber warning lights will flash, and after 1 minute the draw will lower and lock.

(d) Radiotelephone communication. These bridges are equipped with FM radiotelephone stations. Audio signals may be omitted when radiotelephone communications have been satisfactorily established between the bridge and an approaching vessel.

(e) The owner of or agency controlling the bridge shall keep the provisions of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 71-149R, 37 FR 25709, Dec. 2, 1972, as amended by CGD 71-149C, 38 FR 4510, Feb. 15, 1973; CGD 73-30R, 38 FR 4977, Feb. 23, 1973; CGD 76-036, 41 FR 32217, Aug. 2, 1976]

### § 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth, in paragraphs (f) and (g) of this section.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) Lower Mississippi River. (1) Tante Phine Pass, La.; Tide Water Associated Oil Company bridge near Venice. At least 24 hours' advance notice required.

(2) Red River, La. and Ark., mile 66.0 to mile 283.1. At least 48 hours notice is required. The draws of the bridges need not open for a vessel that arrives at any of these bridges more than 2 hours after the time specified in the notice, unless a second notice of at least 48 hours is given. The draws of the bridges above mile 283.1 need not open for the passage of vessels.

(3)-(7) [Reserved]

(8) Little River, Ark.; St. Louis-San Francisco Railway Company bridge near Redbluff. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(9) Caddo Lake, La.; The Kansas City Southern Railway Company bridge near Mooringsport. At least 24 hours' advance notice required.

(10) Little River, La.; Louisiana and Arkansas Railway Company bridge at Archie. During normal river stages, at least 12 hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Commander.

(11) Tensas River, La.; Missouri Pacific Railroad Co. bridge at Clayton. From May 1 to December 31, inclusive, during normal river stages, at least 12 hours' advance notice to be given to the Dispatcher, Missouri Pacific Railroad Co., Little Rock, Ark. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Commander.

(12) Tensas, La.; State of Louisiana Department of Highways bridges at Clayton and near New Light. At least 48 hours' advance notice required.

(13) Macon Bayou, La.; State of Louisiana Department of Highways bridge near Winnsboro. At least 24 hours' advance notice required.

(14) Boeuf River, La.; State of Louisiana Department of Highways bridge near Mason. At least 48 hours' advance notice required.

(15) Ouachita River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Calion. During periods when the river is in pool stage, at least 24 hours' advance notice required. Notice shall be given to the Dispatcher, Chicago, Rock Island and Pacific Railroad Company, Little Rock, Arkansas. Any vessel passing through the bridge requiring an open span for such passage and intending to return through it within 24 hours shall inform the draw tender of the probable time of its return, and the draw shall be opened promptly on signal from the vessel on the return trip without any further notice. The District Commander will notify the Dispatcher at Little Rock, one day in advance when a bridge tender will be required in constant attendance. For the purpose of the regulations of this sec-

tion. pool stage is defined as 21 feet or less on the upper gage at Lock and Dam No. 8. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at all Ouachita River locks.

(16) Ouachita River, Ark.; St. Louis Southwestern Railway Company bridge near Camden. At least 48 hours' advance notice required.

(17) Yazoo River, Miss.; the Yazoo and Mississippi Valley Railroad Company bridge at Redwood, Mississippi State Highway Department bridge at Yazoo City, and The Yazoo and Mississippi Valley Railroad Company bridge at Home Park. During normal river stages, at least three hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Commander. Copies of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at the mouth of Yazoo Canal, Vicksburg, and at Satartia for the Redwood Bridge, at Satartia and Belzoni for the Yazoo City Bridge, and at Yazoo City and Belzoni for the Home Park Bridge.

(18) Yazoo River, Miss.; Columbus and Greenville Railway Company bridge at Fort Loring. At least four hours' advance notice required.

(19) Big Sunflower River, Miss.; Columbus and Greenville Railway Company bridge near Baird. At least four hours' advance notice required.

(20) Arkansas River, Ark.; Missouri Pacific Railroad bridge at Yancopin, the draw shall open on signal if at least 96 hours notice has been given to the Missouri Pacific dispatcher at Little Rock, Ark. When so directed by the Commander, Second Coast Guard District, a drawtender shall be in constant attendance and when this occurs, the draw shall operate in accordance with § 117.555.

(21) Black River, La. Louisiana Department of Highways bridge at Jonesville, mile 41.0. The draw shall open on signal if at least one hours' notice is given.

(22) Ouachita River, La. Louisiana Department of Highways bridges at Harrisonburg, mile 57.5, and Columbia, mile 110.1. The draws shall open on signal if at least one hours' notice is given.

(23)-(26) [Reserved]

(27) White River, Ark. (i) The draws of the following bridges shall open on signal if at least eight hours advance notice is given: St. Louis Southwestern Railway Bridge, mile 98.9 at Clarendon; DeValls Bluff Highway Bridge, mile 121.7, at DeValls Bluff; Chicago, Rock Island and Pacific Railroad Bridge, mile 122.0, at DeValls Bluff; Missouri Pacific Railroad Bridges, miles 196.3 at Augusta and mile 254.8 at Newport, Ark.

(ii) When a vessel has given eight hours notice and fails to arrive within two hours after the arrival time specified in the notice, a second eight hours notice is required.

(28)-(31) [Reserved]

(32) White River, Ark.; Arkansas Highway Department bridge at Batesville and Missouri Pacific Railroad Company bridge at Cotter. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(33) Little Red River, Ark.; Missouri Pacific Railroad Company bridge at Judsonia and Arkansas Highway Department bridges at Judsonia and Searcy. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(34) Black River, Ark.; Missouri Pacific Railroad Company bridge at Paroquet, St. Louis-San Francisco Railway Company bridges at Black Rock and Pocahontas, Arkansas Highway Department bridges at Pocahontas and Corning, and Missouri Pacific Railroad Company bridge near Corning. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(35) Current River, Ark.; Arkansas Highway Department bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(36) Current River, Ark.; St. Louis-San Francisco Railway Company bridge at Biggers. The draw need not be opened for the passage of vessels,

and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(37) [Reserved]

(38) St. Francis River, Ark.; Arkansas State Highway bridge at Cody. At least 72 hours' advance notice required to be given to the Division Maintenance Superintendent, Division No. 1, Arkansas State Highway Department, Wynne, Arkansas. Whenever any vessel passing through this bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(39) St. Francis River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Madison, Arkansas State Highway bridge at Madison, Arkansas State Highway bridge near Madison, Cross County Road Improvement District No. 1 bridge at Parkin, Arkansas State Highway bridge at Marked Tree, St. Louis-San Francisco Railway Company bridge near Marked Tree, St. Louis-Southwestern Railway Lines bridge at Lunsford, Arkansas State Highway bridge at Lake City, St. Louis-Southwestern Railway Lines bridge at Bertig, St. Louis-San Francisco Railway Company bridge at West Kennett, St. Louis-Southwestern Railway Lines bridge at St. Francis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(40) Hatchie River, Tenn.; Illinois Central Railroad bridge at Rialto and Louisville and Nashville Railroad Company bridge at Shepp. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(41) Obion River, Tenn.; Dyer County highway bridges at Bradley Ferry, McCleres Ferry and Lanes Ferry, and Illinois Central Railroad bridge at Lenox. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(g) Ohio River and Upper Mississippi River. (1) Ohio River, Ky., and Ind.; Kentucky and Indiana Terminal Railroad Company bridge at New Albany, Indiana. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(2) Tennessee River, Tennessee; Market Street bridge at Chattanooga, and Southern Railroad bridge approximately 6½ miles downstream at Hixson. When the vertical clearance beneath the draw spans of these bridges is 50 feet or less the draw shall open on signal. When the vertical clearance beneath the draw is more than 50 feet at least eight hours advance notice is required. Whenever any vessel that requires the opening of the draw will return through the draw within four hours and informs the draw tender of the probable time of its return, the draw tender shall return ½ hour before the time specified and the draw shall be promptly opened on signal for the passage of the vessel on the return trip without further advance notice. When a vessel has given advance notice and fails to arrive within one hour after the arrival time specified, whether upbound or downbound, a second eight hours notice shall be required. Gauges of a type acceptable to the Coast Guard shall be installed on both sides of each bridge to indicate the minimum clearance. Notices of these regulations shall be posted at the Nickajack and Watts Bar Locks on the Tennessee River.

(3) [Reserved]

(4) Cumberland River, Tenn., Louisville and Nashville Railroad bridge at Clarksville. The draw shall open on signal when the vertical clearance under the navigational span is 47 feet or less. The draw shall open on signal if at least 2 hours' advance notice has been given when the vertical clearance is greater than 47 feet. The draw need not open for a vessel that arrives at the bridge more than 30 minutes after the time specified in the advance notice, unless a second 2 hours' notice has been given. Copies of the notice required in paragraph (d) of this section shall also be conspicuously posted at the Kentucky and Pickwick Locks on the Tennessee River and at the Barkley and Cheatham Locks on the Cumberland River.

(5) [Reserved]

(6) Wabash River, Ill., and Ind.; all drawbridges. The draws of these bridges shall open on signal if at least 72 hours notice is given.

(7) Green River, Ky. (i) Louisville railroad bridge at Spottsville. When there is 40 feet or less of vertical clearance beneath the draw, constant attendance is required and the draw shall open on signal. When the vertical clearance is more than 40 feet at least 4 hours notice shall be given, and during this period if a vessel informs the draw tender during its passage through the draw that it will return within 4 hours, the draw tender shall remain on duty until the vessel returns but shall not be required to remain for longer than 4 hours.

(ii) Louisville and Nashville railroad bridges at Livermore and Smallhouse. The draws of these bridges are normally maintained in the fully open position and when they are open, a vessel may pass through the draw without further signals. When the draws are in the closed position their operation is governed by paragraph (g)(7)(i) of this section.

(iii) The owners of or agencies controlling these bridges shall arrange for ready telephone communication with the authorized representative at any time from the bridges or their immediate vicinity. Copies of these regulations shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3, and 4.

(iv) Illinois Central Railroad bridge at Rockport is operated automatically. When the stage of the river permits a vertical clearance of 34 feet or more under the closed draw, as determined from gauges suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the bridge, at least 8 hours' advance notice is required. If for any reason the vessel is delayed and cannot arrive for passage at the time specified, the authorized representative shall be promptly notified of the estimated delay for opening the draw. When the stage of the river does not permit a vertical clearance of 34 feet or more under the closed draw, the bridge will be normally opened and automatic closing for passing of trains will be in effect. The owner of the bridge shall arrange for ready telephone communication with the authorized representative at any time from the bridge or its immediate vicinity. Copies of these regulations and the automatic operating procedure shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3, and 4.

(8) Missouri River, highway bridge between Sioux City, Iowa and South Sioux City, Nebraska, mile 732.3. The draw need not open for the passage of vessels and paragraphs (b) through (e) of this section shall not apply to this bridge.

(9) Missouri River at Yankton and Pierre, S. Dak. The draw of the Yankton Highway bridge at Yankton and the eraw of the Chicago Northwestern Railroad bridge at Pierre need not be opened for the passage of vessels and paragraphs (b) to (e) of this section shall not apply to these bridges.

(10) Osage River, Mo.; Missouri Pacific Railroad Company and Missouri State Highway Commission bridges near Osage City. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(11) Wisconsin River, Wis.; all drawbridges. At least 48 hours' advance notice required.

(12) Black River, Wis.; Chicago, Milwaukee, St. Paul and Pacific Railroad Company bridge at La Crosse. At least two hours' advance notice required.

(13) Black River, Wis.; Wisconsin State Highway Commission bridge at North La Crosse. At least 24 hours' advance notice required.

(14) Upper Mississippi River; During the winter months from December 15 to March 1, at least 24 hours' advance notice required for opening all drawbridges between Lock and Dam No. 10 (Mile 615.1) and Lock and Dam No. 2 (Mile 815.2). During the above period, at least 12 hours' advance notice required for opening all drawbridges between Lock and Dam No. 2 and Lock and Dam No. 1 (Mile 847.6).

NOTE: Mileage is above the mouth of the Ohio River.

(15) St. Croix River, Wis. and Minn.; During the winter months from December 15 to March 1, at least 24 hours' advance notice required for opening all drawbridges between the mouth and Bayport, Minn.

(16) St. Croix River, Wis. and Minn.; States of Wisconsin and Minnesota highway bridge at Stillwater, Minn. At least two hours' advance notice required, except between 8:00 a.m. and 2:00 p.m., and between 9:00 p.m. and midnight on Saturdays, Sundays, and Federal and State holidays, and between 1:00 p.m. and 9:00 p.m. on all other days, from May 15, to October 15, inclusive, when the regulations contained in § 117.555 shall govern the operation of this bridge except that between 2:00 p.m. and 9:00 p.m. on Saturdays, Sundays, and Federal and State holidays from May 15, to October 15, inclusive, the draw shall be opened only once every hour on the hour. During the period of hourly openings, the bridge tender will be in constant attendance and will open the draw at any time for emergencies. The hours indicated are central daylight saving time. Standard time is one hour earlier.

(17) St. Croix River, Wis. and Minn.; The Soo line Railroad Co. bridge near Otisville, Minn. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(18) Minnesota River, Minn.; all drawbridges between the mouth and Le Sueur. At least 24 hours' advance notice required. The draws of bridges above Le Sueur need not be opened for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended; sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(c)(4) and (g)(3))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 68-15, 33 FR 2775, Feb. 9, 1968; CGFR 68-19, 33 FR 4373, Mar. 9, 1968; CGFR 70-71a, 35 FR 13734, Aug. 28, 1970; CGFR 70-130a, 36 FR 8040, Apr. 29, 1971; CGD 71-149R, 37 FR 25709, Dec. 2, 1972; CGD 72-246N, 37 FR 28295, Dec. 22, 1972; CGD 72-241R, 38 FR 4511, Feb. 15, 1973; CGD 73-197R, 39 FR 4479, Feb. 4, 1974; CGD 73-171R, 39 FR 6110, Feb. 19, 1974; CGD 74-61, 39 FR 20969, June 17, 1974; CGD 77-015, 42 FR 11237, Feb. 28, 1977; CGD 75-244, 42 FR 17119, Mar. 31, 1977; CGD 77-119, 43 FR 1338, Jan. 9, 1978; CGD 79-020, 44 FR 47932, Aug. 16, 1979; CGD 79-150, 45 FR 14550, Mar. 6, 1980]

### § 117.596 Missouri River; bridges.

(a) The drawbridges across the Missouri River from Sioux City, Iowa, to the mouth shall be opened promptly on signal from March 1 through December 15.

(b) From December 16 through the last day of February, at least 24 hours' advance notice shall be given by telephone or otherwise, to the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall, if no draw tender is in attendance as above provided, keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative, specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draws opened and closed at least once on or about 1 March to assure that the machinery is in proper order for satisfactory operation: *Provided*, That the operation of a drawspan for the passage of a vessel shall be deemed to constitute such test operation.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 69-100, 34 FR 17622, Oct. 31, 1969]

### § 117.601 Illinois River—Automated Burlington Northern Railroad Bridge at Beardstown, Ill.

(a) The liftspan of the railroad bridge, mile 88.8, at Beardstown, Illi-

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Coast Guard regulations relating to shipping: 46 CFR Chapter I.

nois, will normally be maintained in the open position, providing a minimum vertical clearance of 68.4 feet above normal pool.

(1) When a vessel is approaching, and the liftspan is in the open position, contact shall be established by radiotelephone with the remote operator to assure that the liftspan will remain open until passage has been completed.

(2) When a vessel is approaching, and the liftspan is in the closed position, contact shall be established by radiotelephone with the remote operator. If the liftspan *CANNOT* be opened promptly, alternate flashing red lights shall then be displayed. If the liftspan *SHALL* open promptly, flashing amber lights shall be displayed.

(3) When a train approaches the bridge and the liftspan is in the open position, alternate flashing red lights on top of the drawspan shall commence flashing and a horn shall sound four short blasts. The remote operator shall scan the river on radar to determine whether any vessels are approaching the bridge. The remote operator shall also broadcast his intensions to lower the liftspan. If a vessel or vessels are approaching the bridge within one mile, as determined by radar scanning, response to radio broadcast, or electronic detector, the flashing red lights shall be changed to flashing amber and the liftspan remain in the fully open position until such vessel or vessels have cleared the bridge. If no vessels are approaching the bridge or are beneath the liftspan, the alternate flashing red lights shall continue to flash and the liftspan shall be lowered and locked in place

(4) After the train has cleared the bridge, the draw shall be raised to its full height and locked in place; the red flashing lights will stop and drawspan lights changed from red to green indicating the navigation channel is clear for the passage of vessels.

(b) The owner of or agency controlling this bridge shall keep the provisions of this regulation conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-060, 41 FR 11289, Mar. 18, 1976]

### § 117.605 Illinois Waterway, Ill.; bridges (highway and railroad) at Pekin, Peoria, and Joliet, Ill.

(a) The following special regulations are prescribed to govern the operation of the following bridges across the Illinois Waterway:

| Mile | Bridge | Vertical clearance closed | |
|---|---|---|---|
| | | Above high water | Above present low water |
| 152.9 | Margaret Street Highway, Pekin, Ill. | 9.3 | 28.4 |
| 162.2 | Illinois Terminal Railroad, Peoria, Ill. | 16.1 | 34.2 |
| 162.2 | Toledo, Peoria and Western Railroad, Peoria, Ill. | 0.7 | 17.4 |
| 162.3 | Lower Highway Bridge, Peoria, Ill. | 13.7 | 31.8 |
| 287.3 | McDonough Street Highway, Joliet, Ill. | 16.5 | 16.5 |
| 287.6 | Chicago, Rock Island & Pacific Railway, Joliet, Ill. | 9.4 | 9.5 |
| 287.9 | Jefferson Street Highway, Joliet, Ill. | 16.4 | 16.6 |

For 80 foot width of channel

(b) When a vessel reaches a distance of about one-half mile from the Toledo, Peoria, and Western Railroad bridge at Peoria, Illinois, and the Chicago, Rock Island, and Pacific Railway bridge, at Joliet, Illinois, a call signal of three long blasts of a whistle, horn, or siren, or three loud and distinct strokes of a bell shall be sounded if the clearance requirements of the vessel are such that opening of the adjacent bridges at these respective cities is unnecessary; and if the draw is to be opened immediately, the acknowledging signal by the bridge operators on these railroad bridges shall be the same as the call signal; if the draw cannot be opened immediately, or if opened must be closed immediately, four or more short and rapid blasts of a whistle, horn, or siren, or four sharp and rapid strokes of a bell to be repeated at regular intervals until acknowledged by the vessel must be sounded.

(c) *Supplemental regulations.* (1) Except on Sundays the owner of or agency controlling the highway bridges in Joliet, Ill., listed below will not be required to open the draws between the hours of 7:30 a.m. and 8:00 a.m. and between the hours of 4:30 p.m. and 5:30 p.m.:

McDonough Street, Mile 287.3.
Jefferson Street, Mile 287.9.
Cass Street, Mile 288.1.
Jackson Street, Mile 288.4.
Ruby Street, Mile 288.7.

(2) [Reserved]

NOTE: The regulations in paragraph (c) of this section will also be subject to review by the Commandant with a view of determining whether they should be modified in any respect from actual experience gained.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)) 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 68-144, 33 FR 18440, Dec. 12, 1968; CGD 78-181, 44 FR 7951, Feb. 8, 1979]

### § 117.640 Red River of the North, Minn. and N. Dak.; bridges.

The draws of the drawbridges across the river need not be opened for the passage of vessels.

### § 117.640a Duluth-Superior Harbor, Minn. and Wis.; bridges (highway and railroad).

(a) The regulations in this section shall govern the opening of the draws in the Duluth Ship Canal, Northern Pacific Railway, Grassy Point and Arrowhead bridges from March 16 to December 31.

(b) The owners of or agencies controlling the bridges shall provide necessary tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draws for the passage of vessels. The tender's house shall be high enough to clear trains, buses, trucks, or other vehicles, and allow the tender to see readily the channels in all directions.

(c) *Signals*—(1) *Call signals.* Call signals for opening of bridges are:

Duluth Ship Canal Bridge: 1 long, 1 short, 1 long, 1 short.
Northern Pacific Railway Bridge:
  Minnesota Draw: 1 long, 2 short.
  Wisconsin Draw: 1 long, 2 short.
Grassy Point Bridge: 2 short, 1 long.
Arrowhead Bridge (Twin Ports): 3 long.

(2) *Acknowledging signals by bridge tenders.* (i) Each of the bridges listed in paragraph (c)(1) of this section must be provided with a signal of sufficient strength of sound to be heard distinctly three-fourths of a mile in any condition of weather.

(ii) Upon receiving a signal for opening the draw the tender shall at once answer with a return signal, which shall be the same as the signal for opening, to indicate that the vessel signal has been heard. The tender shall take note of the vessel's position and speed, and open the bridge in time to allow the vessel to pass through. (See, however, paragraph (c)(2)(iii) of this section.)

(iii) In case the bridge, other than the Duluth Ship Canal Bridge (see paragraph (c)(2)(iv) of this section), is not ready to open at the time of receiving a signal or very soon thereafter for any cause, as for instance when a train is passing over or in case the bridge should be so disabled that it cannot be opened at all, the tender will answer the vessel with five short blasts given in quick succession, as a signal to check down and stop. As soon as the bridge is ready to open, he will give the return signal stated in paragraph (c)(2)(ii) of this section.

(iv) In case the Duluth Ship Canal bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal. At all other times the bridge tender must lift the bridge promptly on receiving signal to do so. In case of a sudden breakdown during the lifting operation, five short blasts shall be given as a danger signal.

(v) Vessels must be given precedence over highway or railway traffic. When a signal is given by a vessel to open the bridge, a railroad train or any vehicle that may be approaching to cross the bridge must be required to wait for the vessel to pass: *Provided, however,* That except at the Duluth Ship Canal bridge, vessels of 100 gross tons or under may be held for a short period in case a first-class passenger train carrying United States mails is ready to cross the bridge.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967; CGFR 68-14, 33 FR 2846, Feb. 10, 1968]

### § 117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth in paragraph (f) of this section.

(b) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified, of the time when the opening is required shall be given by telephone or other means to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall, if no draw tender is in attendance, keep conspicuously posted on both the upstream and downstream sides of the bridges, in a manner that it can be easily read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition and the draw opened and closed at least once about the midpoint of the period specified in paragraph (f) of this section for each bridge to assure that the machinery is in proper order for satisfactory operation: *Provided,* That the operation of a drawspan for the passage of a vessel shall be deemed to constitute such test operation.

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

(1) Duluth-Superior Harbor, Minn. and Wis.; all drawbridges. During the winter months from January 1 to March 15, at least 24 hours' advance notice required except for the Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Swing Bridge. The Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Bridge will remain in an open position at all times, except for the passage of trains. When this bridge is locked in an open position, a continuous amber light will be visible.

(1-a) Duluth Missabe and Iron Range Railway bridge (Transfer Bridge). The draw of the bridge need not be opened for the passage of vessels, and paragraphs (a) through (e) of this section shall not apply to this bridge. The draw span shall be restored to an operating condition by and at the expense of the owner should changes in navigation on the river so require.

(2) Ontonagon Harbor, Mich.: Michigan State Highway Department bridge at Ontonagon. From March 16 through December 15 from 7 a.m. to 11 p.m. the draw shall open on signal and from 11 p.m. to 7 a.m. the draw shall open on signal if at least 1 hour's notice has been given. From December 16 through March 15 the draw shall open on signal if at least 24 hours' notice has been given. The opening signal is one long blast followed by one short blast.

(2-a) St. Joseph Harbor, Mich.; The Michigan State Highway Department Main Street (Blossomland) Bridge, Mi. 0.90, at St. Joseph. From 15 December to 1 March, at least 12 hours' advance notice required.

(3)-(4) [Reserved]

(4-a) Manistee River at Manistee, Mich.: All drawbridges across Manistee River from its mouth at Lake Michigan upstream to Manistee Lake. During the winter months from January 1 to April 1, at least 24 hours' advance notice required.

(5) [Reserved]

(5-a) Detroit River (Trenton Channel), Mich.: The Wayne County highway bridge between Trenton and Grosse Ile. During the winter months from December 15 to March 15, at least 5 hours' advance notice required.

(6) Calumet River, Chicago, Ill.: The New York Central Railroad Company bridges, Mile 1.34, and the Pennsylvania Railroad Company bridges, Mile 1.36. During the winter months from December 15 to March 15, at least 2 hours' advance notice required on Saturday and Sunday and from 3:00 p.m. to 7:00 a.m. Monday through Friday.

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 69-30, 34 FR 7009, Apr. 29, 1969; CGFR 71-119a, 37 FR 2838, Feb. 8, 1972; CGFR 71-69a, 37 FR 17387, Aug. 26, 1972; CGD 74-42, 39 FR 33671, Sept. 19, 1974; CGD 74-137, 41 FR 7947, Feb. 23, 1976; CGD 76-138, 42 FR 8373, Feb. 10, 1977; CGD 77-094, 43 FR 1337, Jan. 9, 1978]

### § 117.641a Waterways located in the Ninth Coast Guard District; seasonal operation of drawbridges.

(a) Drawtenders need not be in constant attendance at drawbridges across streams or waterways located within the boundaries of the Ninth Coast Guard District during the winter season when general navigation is curtailed.

(b) Any bridge where a draw tender is not in constant attendance for the reason stated in paragraph (a) of this section, shall be opened on 12 hours advance notice.

(c) The bridges affected and the periods of time when this section is to be in effect shall be determined by the Commander, Ninth Coast Guard District and shall be published in Notice to Mariners and other appropriate media.

[CGFR 69-132a, 35 FR 7182, May 7, 1970]

### § 117.642 Keweenaw Waterway, Mich.; Michigan State Highway Department bridge between Houghton and Hancock.

(a) The owner of or agency controlling this bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw. The bridge shall be provided with a whistle or siren capable of being heard distinctly three-fourths mile away in any condition of weather, and an electric light signal, on the top of and near the center of the swing span, which will give flashes of the same duration and at the same time as the audible signals.

(b) Vessels approaching the bridge shall reduce their speed sufficiently to enable them to come to a stop before arrival at the bridge should the draw fail to open.

(c) The call signal for opening of the draw shall be one long and two short blasts. If the draw can be opened promptly the bridge tender shall reply by repeating the call signal. If the draw cannot be opened promptly, or if it is open and must be closed immediately, the bridge tender shall reply by sounding five short and rapid blasts, to be repeated at regular intervals until acknowledged by the vessel. The vessel shall acknowledge by sounding five short and rapid blasts. Thereafter, as soon as the draw can be opened, the draw tender shall repeat the call signal.

(d) The draw shall be opened promptly on signal for the passage of vessels of 30 net registered tons and upward except as provided in paragraph (f) of this section. The draw shall be opened as soon as convenient for the passage of vessels of less than 30 tons, but no such vessel shall be delayed for more than 10 minutes except as provided in paragraph (f) of this section.

(e) The owner of or agency controlling the drawbridge will not be required to keep a draw tender in constant attendance during the winter months from January 1 to March 15.

(f) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw during the winter months from January 1 to March 15, at least 24 hours' advance notice of the time when the opening is required shall be given by telephone or other means to the authorized representative of the owner of or agency controlling the bridge.

(g) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(h) The owner of or agency controlling the bridge shall, if no draw tender is in attendance as above provided, keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative specified in paragraph (f) of this section may be reached.

(i) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once on or about March 15 to assure that the machinery is in proper order for satisfactory operation: Provided, that the operation of the drawspan for the passage of a vessel shall be deemed to constitute such test operation.

### § 117.643 Fox River and Portage Canal, Wis.

(a) *Main Street, Walnut Street, and Mason Street bridges, Fox River, Green Bay.* (1) The draws shall open on signal except that Monday through Saturday, except legal holidays, from 7 a.m. to 8 a.m., from 12 noon to 1 p.m., and from 4 p.m. to 5 p.m., the draws need not open. However, the draws shall open immediately, at any time, for public vessels of the United States, vessels with a cargo capacity of 300 short tons or over engaged in commercial transportation, and tugs or fireboats responding to emergency calls.

(2) Except as provided in paragraph (a)(1) of this section, the draws shall be opened promptly upon signals, given by blasts of a horn, steam whistle, or other approved signalling device, as follows: For Main Street bridge, two short blasts followed by one long blast; for Walnut Street bridge, one long blast followed by two short blasts; for Mason Street bridge, one long blast followed by one short blast and one long blast.

(3) In case the draw cannot be opened immediately when the signals are given, a red flag or ball by day, or a red light by night, shall be conspicuously displayed.

(b) *Bridge (highway) at De Pere, Wis.* (1) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance or maintain a signal device at this bridge.

(2) For the purpose of this paragraph the bridge tender and the acting clerk of the City of De Pere, Wisconsin, are designated as authorized representatives of the owner.

(3) The draw shall open promptly on signal from 8 a.m. to 6 p.m. during the regular navigation season upon three blasts of a whistle or horn. If the draw cannot be opened promptly a red flag or ball by day, or a red light at night shall be conspicuously displayed.

(4) At all other times during the regular navigation season, whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such advance notice, the representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(5) The owner of or agency controlling such bridge shall provide arrangements whereby the representative specified in paragraph (b)(2) of this section can be reached readily by telephone or otherwise at any time, and shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be read easily at any time, a copy of these regulations together with a notice stating exactly how he may be reached.

(c) *Bridges at or between Berlin and Portage, Wis.* (1) The owners of or agencies controlling the bridges will not be required to open the draw span for the passage of vessels.

(2) The owners of or agencies controlling the bridges shall keep a legible copy of this section posted conspicuously on both the upstream and downstream sides of the bridge.

(d) Highway bridges at Oshkosh, Wisconsin.

(1) The owners of or agencies controlling the bridges shall provide the necessary draw tenders and properly maintain operating machinery to insure the safe opening of the draws.

(2) Signals. The signal for opening the bridges shall be three blasts of a whistle, horn or other sound producing device.

(3) The draws shall be opened on signal between the hours of 8 a.m. and 12 midnight except that on Monday through Friday from 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m. the draw need not open for the passage of vessels other than public vessels of the United States. However, the draws shall open promptly on signal from 8 a.m. to 12 midnight on Memorial Day, 4th of July, and Labor Day.

NOTE. During the times when the "draw need not open" the draw may open if vehicular traffic permits.

(4) From 12 midnight to 8 a.m., the draws shall open for the passage of the vessels if at least two hours notice is given via radiotelephone to the Main Street draw tender or the Winnebago County Sheriff's Department.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937, 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 71-56a, 36 FR 17855, Sept. 4, 1971; CGD 75-035, 43 FR 957, Jan. 5, 1978; CGD 77-185, 43 FR 32412, July 27, 1978]

### § 117.644 East River, Wis.; Monroe Street bridge, Green Bay, Wis.

(a) The draw need not be opened for the passage of vessels.

(b) The owners of or agency controlling the bridge shall keep a legible copy of this section conspicuously posted on the downstream side of the bridge.

[CGFR 69-7, 34 FR 2419, Feb. 20, 1969]

### § 117.644a Ogden-First Street Bridge, Menominee River, Wis.

(a) The draw shall open on signal:

(1) From May 1 through October 31 from 7 a.m. to 11 p.m.

(2) From May 1 through October 31 from 11 p.m. to 7 a.m., if at least 2 hours notice is given.

(3) From November 1 through April 30 if at least 12 hours notice is given.

(b) Signals:

(1) The opening signal is one long blast followed by one short blast.

(2) The acknowledging signal is:

(i) One long blast followed by one short blast when the draw will open immediately.

(ii) Five short blasts when the draw cannot open immediately. When the draw will open the draw tender shall sound one long blast followed by one short blast.

(c) The draw need not open for the passage of vessels carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructure and appurtenances of any vessel habitually frequenting this waterway.

(d) The owner of or agency controlling this bridge shall conspicuously post the provisions of this regulation both upstream and downstream in such a manner that it may be easily read at any time from an approaching vessel. The posted provisions shall state exactly how the authorized representative may be reached at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 12R, 39 FR 14505, Apr. 24, 1974, as amended by CGD 76-069, 43 FR 44510, Sept. 28, 1978]

### § 117.645 Sturgeon Bay, Wis.; bridges.

(a) The owners of or agencies controlling the highway drawbridge over Sturgeon Bay shall provide the necessary tenders and the proper mechanical appliances for the safe, efficient openings of the draw.

(b) Signals: (1) The opening signal shall be one long blast followed by one short blast of a whistle, horn, siren or by shouting.

(2) Acknowledging Signals: (i) When the draw will open, same as opening signal.

(ii) When the draw will not open or is open and must be closed—four short blasts, repeated at regular intervals until acknowledged by the vessel. As soon as the draw can open, the draw tender shall sound the opening signal.

(c) Draw Operation Requirements: (1) The draw of the railroad bridge shall be maintained in the fully open position.

(2) The draw of the highway bridge shall open as follows:

(i) From March 15 through May 14 and from September 16 through December 31—on signal.

(ii) From May 15 through September 15, from 6:00 p.m. to 6:30 a.m.—on signal.

(iii) From May 15 through September 15, from 6:30 a.m. to 6:00 p.m.—on the hour and half-hour provided vessels are waiting to pass. However, public vessels of the United States and commercial vessels shall be passed through the draw on signal during this period.

(iv) From January 1 through March 14—on signal if at least 12 hours notice is given.

(d) Clearance gauges, of a type approved by the Commandant, shall be installed on the upstream and downstream sides of the drawbridge by and at the expense of the owner of or agency controlling the bridge and such gauges shall be kept in good repair and legible condition.

[CGD 74-97, 39 FR 27901, Aug. 2, 1974]

### § 117.650 Manitowoc River, Wis.; bridges.

(a) *Bridges at Eighth and Tenth Streets, Manitowoc, Wis.* (1) The draws of the above-named bridges shall be immediately opened for the passage of vessels at all times during the day or night except between the hours of 6:50 a.m. and 7:00 a.m., 7:50 a.m. and 8:00 a.m., 11:55 a.m. and 12:10 p.m., and 12:45 p.m. and 1:00 p.m., upon a signal of three short blasts of the vessel's signaling device for the Eighth Street bridge, and upon a signal of two short and one long blasts, similarly given for the Tenth Street bridge: *Provided,* That the exception as to hours stated in this subparagraph shall not apply on Saturdays, Sundays, and legal holidays, consisting of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, or on the Monday following such holidays when they occur on a Sunday.

(2) In case street traffic shall have been delayed by reason of the draws of either of the above-named bridges having been continuously open for 10 minutes or more for the passage of vessels, the draws of said bridges may be closed, but shall be again opened for the passage of any vessel as soon as practicable: *Provided,* That in such case the opening of either of the above-named bridges for the passage of any vessel shall not be delayed more than 5 minutes after the proper signal is given.

(3) When signal is given by a car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall also be promptly opened so that such vessel shall not be held between the two bridges.

(4) In case either draw cannot be immediately opened when the signals are given, a red flag or ball by day or a red light at night shall be conspicuously displayed on the bridge in full view of the vessel.

(b) *Minneapolis, St. Paul, and Sault Ste. Marie Railway Co. bridge at Manitowoc, Wis.* (1) The owners or operators of the drawbridge shall provide the same with the necessary tender and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) The draw of the bridge shall be immediately opened on proper signal for the passage of approaching vessels.

(3) The signal for the opening of the draw, upon the approach of a vessel from either direction, shall be two short and one long blasts of the vessel's signaling device sounded within reasonable hearing distance of the bridge.

(4) The signal from the bridge to indicate that the vessel's signal has been received, but not to indicate passage, shall be three loud and distinct strokes of a bell or three distant blasts of a whistle.

(5) If for any reason the draw cannot be operated, two red lights mounted 30 inches between centers, horizontally, in an elevated position above the bridge and showing both upstream and downstream, shall be flashed alternately, or if the lights cannot be flashed, a conspicuous red flag by day and a red light by night shall be waved from the bridge upon receipt of the signal from the vessel so that it can be seen clearly by the master of the vessel.

(6) A red ball by day and a red light by night shall be kept in a conspicuous elevated position above the top of the control house while the bridge is closed and each shall be lowered into a box out of sight from all directions when the opening of the bridge is begun.

### § 117.652 Sheboygan River, Wis.; Eighth Street Bridge at Sheboygan, Wis.

(a) From May 1 through October 30, from 6 a.m. to 10 p.m., the draw shall open on signal except that:

(1) From 6 a.m. to 8 a.m., 9 a.m. to 12 noon, 1 p.m. to 4 p.m., and 6 p.m. to 7 p.m., the draw need open to navigation only on the hour, quarter-hour, half-hour, and three-quarters hours.

(2) From 8 a.m. to 9 a.m., 12 noon to 1 p.m. and 4 p.m. to 6 p.m. the draw need open to navigation only on the hour and half-hour.

(3) Public vessels, vessels in distress, and state or local government vessels used for public safety shall be passed through the draw of this bridge as soon as possible at any time even though the closed periods may be in effect. The signal from these vessels is four blasts of whistle, horn, or by shouting.

(b) At all other times the draws shall open on signal if at least two hours notice is given.

(c) Signals.

(1) The opening signal is one long blast followed by one short blast.

(2) The acknowledging signal when the draw will open is one long blast followed by one short blast.

(3) The acknowledging signal when the draw will not open or is open and must close is four blasts. When the draw can open, the signal is one long blast followed by one short blast.

(4) The signals may be made by a whistle, horn, or bell, or by shouting.

(d) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can be easily read at all times from an approaching vessel.

(Section 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CGD 71-120a, 37 FR 14876, July 26, 1972, as amended by CGD 78-112, 44 FR 7951, Feb. 8, 1979]

### § 117.655 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee, Wis.; bridges.

(a) *Regulations for all bridges owned or operated by the City of Milwaukee across the Milwaukee, Menomonee, and Kinnickinnic Rivers, including the South Menomonee Canal, except bridges across the Milwaukee River north of and including Buffalo Street Bridge.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U.S.C. 251), at all times during the day or night except between the hours of 7:30 a.m. and 8:30 a.m., and 4:30 p.m. and 5:30 p.m., upon signals to be given by blasts of a horn, steam whistle, or other approved signaling devices, as follows, viz.: For the North Plankinton Avenue bridge across the Menomonee River and the Kinnickinnic Ave. bridge across the Kinnickinnic River, four short blasts; for all other bridges specified in this subparagraph, three short blasts: *Provided,* That the exception as to hours stated in this subparagraph shall not apply to vessels having a license to carry 50 or more passengers when proceeding to or from their regular landing places on their regular trips, nor to vessels carrying United States mails, nor to vessels belonging to the United States, nor to fireboats of the City of Milwaukee; *And provided, further,* That the exception as to hours stated in this subparagraph shall not apply on Sundays and legal holidays, consisting of New Year's Day, holidays when they occur on a Sunday, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day, or on the Monday following such holidays when they occur on a Sunday.

(2) In case street traffic shall have been delayed by reason of the draws of any of the above-described bridges having been continuously open for 5 minutes or more for the passage of any of the vessels before described, the draws of said bridges may be closed but shall be again opened for the passage of said vessels as soon as practicable: *Provided,* That in such case the opening of any of the above-described bridges for the passage of any vessels before described shall not be delayed more than 5 minutes after the proper signal is given, except during the hours stated in paragraph (a)(1) of this section.

(3) The draws shall, when the above described signals are given, except between the hours of 7:30 a.m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however,* That no vessel of this class shall be delayed for a longer period than 15 minutes, except during the hours stated herein.

(4) In case the draws cannot be immediately opened when the signals are given a red flag or ball by day, or a red light at night shall be conspicuously displayed.

(5) Pedestrians and vehicles shall not stop on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(b) *Regulations for all bridges owned and operated by the City of Milwaukee across the Milwaukee River north of and including the Buffalo Street Bridge.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U.S.C. 251), at all times during the day or night except between the hours of 7:30 a.m. and 8:30 a.m., and 4:30 p.m. and 5:30 p.m., only upon advance notice given by telephone or otherwise to the Superintendent of the Bureau of Bridges, City Hall, Milwaukee, Wisconsin, at least 2 hours in advance of the time the vessel desires to pass through the draw upon signals to be given by three short blasts of a horn, steam whistle, or other approved signaling device: *Provided,* That the exception as to hours and advance notice stated in this subparagraph shall not apply to fireboats of the City of Milwaukee, nor to vessels belonging to the United States.

(2) In case street traffic shall have been delayed by reason of the draws of any of the above-described bridges having been continuously open for 5 minutes or more for the passage of any of the vessels before described, the draws of said bridges may be closed, but shall be again opened for the passage of said vessels as soon as practicable: *Provided,* That in such case the opening of any of the above-described bridges for the said vessels shall not be delayed more than 5 minutes after the proper signal is given, except during the hours stated under paragraph (b)(1) of this section.

(3) The draws shall, when the above-described signals are given, except between the hours of 7:30 a.m. and 8:30 a.m., and 4:30 p.m. and 5:30 p.m., be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however,* That no vessel of this class shall be delayed for a longer period than 15 minutes, except during the hours stated herein.

(4) A copy of the regulations contained in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time; also a sign shall be placed on the downstream side of the Buffalo Street Bridge and

the upstream side of the Walnut Street Bridge on the Milwaukee River stating the hours during which advance notice is required and the amount of such notice and also stating exactly how the Superintendent of the Bureau of Bridges specified in paragraph (b)(1) of this section may be reached to give the required advance notice.

(c) *Regulations for all bridges owned and operated by the Chicago and North Western Railway Co., and the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., across the Milwaukee, Menomonee, and Kinnickinnic Rivers within the limits of the City of Milwaukee.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U.S.C. 251), at all times during the day or night, upon signals to be given by blasts of a horn, steam whistle, or other approved signaling device, as follows, viz: For the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the Menomonee River at North Plankinton Avenue, and the Chicago and North Western Railway bridge across the Kinnickinnic River between Kinnickinnic Avenue and South First Street, four short blasts; for all other of above-described bridges, three short blasts, except when a passenger or mail train is actually ready to pass over the bridge, but in no case shall the opening of any of the above-described bridges for the vessels above-described be delayed more than 7 minutes after the signal is given and except as provided in paragraph (c)(4) of this section.

(2) When the above signals are given, the draws of each bridge shall open as soon as practical for all other vessels which cannot pass the closed draw, however no vessel shall be delayed for more than 15 minutes except as provided in paragraph (c)(4) of this section.

(3) In case the draws cannot be immediately opened when the signals are given, a red flag or ball by day or a red light at night shall be conspicuously displayed.

(4) Advance notice as specified in paragraph (c)(5) of this section will be required for opening the following bridges:

(i) Kinnickinnic River; Chicago and North Western Railway Co. bridge, Mile 1.52.

(ii) Kinnickinnic River; Chicago, Milwaukee, St. Paul and Pacific Railroad Co. bridge, Mile 1.49.

(iii) Burnham Canal; Chicago, Milwaukee, St. Paul and Pacific Railroad Co. bridge, Mile 0.76.

(5) Whenever a vessel, except the City of Milwaukee fireboat, unable to pass under the bridges listed in paragraph (c)(4) of this section, desires passage, 2 hours' advance notice of the time opening is required shall be given to the Chicago and North Western Train Dispatcher, Milwaukee, Wisconsin, Telephone Broadway 6-6540, Extension 35, or to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. phone director, Telephone Broadway 1-6120, Extension 359, Milwaukee, Wisconsin. The draws shall, when the signals described in paragraph (c)(1) of this section are given, be opened as soon as practicable for the City of Milwaukee fireboat.

(6) The owners of the bridges listed in paragraph (c)(4) of this section shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can be easily read at any time, a copy of the regulations of this section pertaining to the respective bridges together with information as to whom notice is to be given when opening is required.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 2, 1967, as amended by CGD 72-191RC, 37 FR 20543, Sept. 30, 1972]

### § 117.660 Root River, Racine, Wis., Main Street and State Street bridges.

(a) The draws of these bridges shall open on signal except that

(1) The draw of the Main Street bridge may remain closed to the passage of vessels, Monday through Friday, except holidays, during the following periods:

7:30 a.m. to 8:10 a.m.
11:50 a.m. to 12:10 p.m.
12:50 p.m. to 1:10 p.m.
3:30 p.m. to 4:10 p.m.
4:30 p.m. to 5:10 p.m.

(2) The draw of the State Street bridge may remain closed to the passage of vessels, Monday through Friday, except holidays, during the following periods:

6:30 a.m. to 7 a.m.
12 noon to 12:15 p.m.
12:45 p.m. to 1 p.m.

(b) Signals:

(1) Main Street bridge—The opening signal is one long blast followed by one short blast of a whistle, horn, siren, or by shouting.

(2) State Street bridge—The opening signal is three short blasts of a whistle, horn, siren, or by shouting.

(3) The acknowledging signal from the drawtender when the draw will open promptly is the same as the opening signal or a white flag or ball by day and a white light by night, conspicuously displayed. The acknowledging signal from the draw tender when the draw cannot open promptly or is open and must close is four or more short blasts, or a red flag by day or a red light at night, conspicuously displayed.

(c) The owners of or agencies controlling these bridges shall provide the necessary draw tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draw.

(d) The draws shall open on signal at all times for vessels in distress and public vessels of the United States, state or local governments engaged in public safety or law enforcement activities.

(e) The owners of or agencies controlling these bridges shall post the provisions of this regulation on the upstream and downstream sides of the bridges or elsewhere in a manner that it can easily be read from an approaching vessel at all times.

[CGD 73-161R, 39 FR 14201, Apr. 22, 1974, as amended by CGD 73-12R, 39 FR 16231, May 4, 1974]

### § 117.663 The Chicago River and its tributaries.

(a) The draws of each of the bridges in this section shall open promptly on signal except as provided in paragraph (e) of this section.

(b) The owners of or agencies controlling each bridge shall provide the necessary drawtenders and the proper operating machinery, maintained in serviceable condition, for the safe opening of the draw.

(c) The owners or agencies controlling each bridge shall conspicuously post and maintain notices both upstream and downstream of each bridge in such a manner that they can easily be read from an approaching vessel. The notices shall contain the special operational regulations applicable to each bridge. When applicable, information as to whom notice should be given when passage through the draw is desired and how such persons may be reached shall be included.

(d) *Signals.* (1) Call signals for opening of drawbridges or passing through an open draw shall be three short blasts of a whistle, horn, siren, or by shouting for all bridges except the Chicago and Northwestern Railroad bridge near West Kinzie Street and the Chicago, Milwaukee, St. Paul and the Pacific Railroad bridge near West North Avenue for which the signal shall be four short blasts, and the Lake Street bridge when approaching from the north for which the signal shall be five short blasts.

(2) Acknowledging signals to be given by drawtender:

(i) When the draw will be opened immediately. None.

(ii) When the draw cannot open immediately or is open and must be closed immediately. A red flag by day or a red light by night waived until the draw can be opened.

(3) When two or more vessels are approaching a drawbridge at the same time from opposite directions with the draw open or closed, each vessel shall signal independently for the opening of the draw, and the drawtender shall reply to the signal of each vessel if the draw cannot open or is open and must be closed.

(e) Bridges not opening promptly on signal.

(1) Monday through Friday, from 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m., the draws of the bridges across the Chicago River, South Branch from its junction with the Chicago River south to and including West Roosevelt Road and North Branch at West Kinzie Street and at the Northwest Expressway Feeder bridge need not open for the passage of vessels.

(2) Monday through Friday, from 7 a.m. to 8 a.m. and 5 p.m. to 6 p.m., the draws of the bridges across the North Branch of the Chicago River at Grand Avenue and all bridges north of the Northwest Expressway Feeder bridge to and including North Halsted Street and across the South Branch of the Chicago River south of West Roosevelt Road to and including South Halsted Street need not open for the passage of vessels.

(3) Monday through Friday, from 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m., the draws of the bridges across the North Branch of the Chicago River north of North Halsted Street and the South Branch of the Chicago River south of South Halsted Street need not open for the passage of vessels.

(4) From January 1 through March 31, the highway bridges across the Chicago River, the North Branch of the Chicago River, North Branch Canal and the South Branch of the Chicago River shall open on signal if at least 12 hours notice is given. However, the Randolph Street, Cermak Road Throop Street and Loomis Street bridges across the South Branch of the Chicago River, the North Halsted Street bridge across the North Branch Canal and the West Kinzie Street bridge across the North Branch of the Chicago River shall open on signal at all times other than those times provided in paragraphs (e) (1), (2) and (3) of this section.

(5) Constant attendance is not required at the following City of Chicago bridges:

(i) *Chicago River, South Branch*

Washington Street
Madison Street
Monroe Street
Adams Street
Jackson Boulevard
Van Buren Street
Congress Street (Eisenhower Expressway)
Harrison Street
Roosevelt Road
Eighteenth Street
Canal Street
South Halsted Street

(ii) *West Fork of the South Branch*

South Ashland Avenue
South Damen Avenue

(iii) *Chicago River, North Branch*

Grand Avenue
Chicago Avenue
North Halsted Street
Ogden Avenue
Division Street

(iv) *North Branch Canal*

Ogden Avenue
Division Street

Roving drawtenders shall open these bridges not more than 30 minutes after notification to the Port Director's Office or an authorized representative.

(6) [Reserved]

(7) The draw of the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

(8) The draws of bridges that have a vertical clearance of less than 17 feet above Low Water Datum for Lake Michigan shall open at any time to permit the passage of tugs and tugboats.

(f) The draws of any of the bridges listed in this section shall be opened as soon as possible for the passage of emergency vessels of the City of Chicago or public vessels of the United States notwithstanding any exceptions set forth elsewhere in this section.

(g) The draw of the Lake Shore Drive bridge across Ogden Slip need not open for the passage of vessels. The operating machinery need not be maintained.

(h) The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, Chicago and Northwestern Railroad, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River need not open for the passage of vessels. However, the draws shall be returned to an operable condition within 6 months after notification from the Commandant to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 74-137, 41 FR 7947, Feb. 23, 1976, as amended by CGD 77-097, 42 FR 55470, Oct. 17, 1977]

**§ 117.670 Calumet River, Ill. and Ind.: bridges.**

(a) The owners of or agencies controlling drawbridges across the Calumet River between Lake Michigan and the north side of 130th Street, Chicago, Illinois, shall provide the appliances and the personnel necessary for the prompt, safe and efficient operation of the draws for the passage of vessels.

(b) The drawbridges shall be opened promptly when the signal hereinafter prescribed is received from an approaching vessel or other watercraft which cannot pass under the closed draws excepting in the case of a railroad bridge, when an approaching train is so close that it cannot be stopped safely before reaching the bridge.

(c) Trains shall not, except in emergencies or under compelling circumstances, be stopped on, nor shall switching be permitted on, a drawbridge or within a bridge block home signal limits, nor shall any vehicle, person or persons assemble, walk, stand, or otherwise interfere with the operation of the draw or be authorized to do so, so as to prevent or delay a required opening, nor shall water craft be navigated so as to hinder or delay the operation of or passage of other vessels through the draw, but all passage over or through a drawbridge shall be prompt in order to prevent delay to either land or water traffic.

(d) Signals:

(*1*) *Call signals for opening of drawbridge or passing through an open draw*—(i) *Sound signals.* Three short blasts of a whistle, horn or siren, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender, or

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard and at other times if considered desirable.

(*2*) *Acknowledging signals to be given by operator of the drawbridge*—(i) *Sound signals.* None required.

(ii) *Visual signals*—(*a*) *When draw cannot be opened promptly or when draw is opened and is to be closed for any reason.* (*1*) Two red lights (see Note 1 at the end of this section) flashed alternately; or

(*2*) A red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel.

(*b*) *When draw can be opened promptly.* (*1*) Two amber lights (see Note 1 at the end of this section) flashed alternately; or

(*2*) A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel.

(*c*) *When draw is open for passage.* (*1*) Two green lights (see Note 1 at the end of this section) flashed alternately; or

(*2*) A green flag by day or a green light by night, swung in vertical circles at arm's length in full sight of the vessel.

(e) No vessel shall attempt to navigate the draw of a bridge until the green light or green flag signals prescribed in paragraph (d)(2)(ii)(*c*) of this section are displayed.

(f) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for opening of the draw.

(g) Special provisions for opening the five railroad bridges located at Mile 1.31 to 1.36 from the east end of the North Pier: Upon receipt of a call signal for opening of the draws, all bridges which do not have a train in the bridge block home signal limits shall be raised immediately. However, this provision will not apply if it is known that one of the bridges is inoperable because of equipment breakdown.

NOTE 1. The two red, amber and green light units will be arranged in horizontal planes approximately 48" apart, flashed for about 2 seconds duration; provided with candlepower sufficient to be readily visible at least ½ mile; placed on the upstream and downstream sides of each bridge, except at the five railroad bridges, where one unit will be placed on the upstream (lakeward) side of the B. & O. Railroad Bridge and the other on the downstream side of the southernmost Pennsylvania Railroad Bridge, and located so as to be readily visible to approaching navigation as will be determined by the District Commander.

NOTE 2. The above signals are in addition to the bridge lights required by law to be displayed on all bridges across navigable waters of the United States.

### § 117.676 Indiana Harbor Canal, Ind.: drawbridges.

(a) The owners of or agencies controlling drawbridges across Indiana Harbor Canal and the Lake George Branch of Indiana Harbor Canal to and including the Indianapolis Boulevard bridge, shall provide the appliances and the personnel necessary for the prompt, safe, and efficient operation of the draws for the passage of vessels.

(b) The draw shall be opened promptly when the signal hereinafter prescribed for the opening of the draw is received from an approaching vessel or other watercraft which cannot pass under the closed draw, excepting when an approaching train is so close to a drawbridge that it cannot be stopped safely before reaching the bridge.

(c) Trains and vehicles shall not be stopped on a drawbridge or within a bridge block interlocking system, nor shall any person or persons assemble, walk, stand, or otherwise interfere with the operation of the draw or be permitted to do so, so as to prevent or delay a required opening, nor shall water craft be navigated so as to hinder or delay the operation of or passage of other vessels through the draw, but all passage over or through a drawbridge shall be prompt in order to prevent delay to either land or water traffic.

(d) Signals:

(1) *Call signals for opening of draw*—(i) *Sound signals.* One long blast, one short blast, and one long blast of a whistle, horn or siren, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender.

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal to be used in conjunction with sound signals when conditions are such that sound signals may not be heard and at other times if considered desirable.

(2) *Acknowledging signals*—(i) *Sound signals*—(*a*) *When draw can be opened immediately.* One long blast and one short blast of a whistle, horn, or siren.

(*b*) *When draw cannot be opened immediately or when it is open and must be closed immediately.* Five short blasts of a whistle, horn, or siren, repeated at regular intervals until similarly acknowledged by the vessel, or until the vessel has been brought to a stop. Thereafter, as soon as the draw can be opened, the draw tender shall sound a signal of one long blast and one short blast of a whistle, horn, or siren.

(ii) *Visual signals.* The systems of visual signals hereinafter described to be used in each individual case will be subject to the approval of the District Commander. They will be used in conjunction with sound signals when conditions are such that sound signals alone are insufficient. When the flashing red and green lights are in use and an operating failure occurs, the flag and lantern signals shall be used during the emergency.

(*a*) *When the draw can be opened immediately.* (*1*) A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel, or

(*2*) Two green lights, flashed alternately, arranged in a vertical plane approximately 48 inches between centers.

(*b*) *When the draw cannot be opened immediately, or when it is open and must be closed immediately.* (*1*) A red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel, and repeated until acknowledged by a like signal from the vessel. Thereafter, as soon as the draw can be opened the draw tender shall so indicate with a white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel, or

(2) Two red lights, flashed alternately, arranged in a horizontal plane approximately 48 inches between centers. Thereafter, as soon as the draw can be opened the draw tender shall so indicate by flashing two green lights.

(e) No vessel shall attempt to navigate the draw of a bridge when audible or visual signals indicate the bridge cannot be opened or if the draw is open it must be closed immediately.

(f) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for the opening of the draw, and such vessels shall be navigated in accordance with the applicable pilot rules.

(g) Special rules for the Elgin, Joliet and Eastern Railway Company bridge, Baltimore and Ohio Railroad Company bridge, both New York Central Railroad Company bridges, and Indiana Harbor Belt Railroad Company bridge:

(1) An amber light shall be located on the lakeward and landward bridges, and readily visible to approaching vessels, and shall be synchronized with a sound signal system so as to light as each signal blast is sounded.

(2) Upon receipt of call signal for opening of the draws, all bridges which do not have a train in the signal block shall be raised immediately.

### § 117.680 Trail Creek, Ind.: The Michigan Central Railroad Co. bridge, Michigan City.

(a) The draw shall be opened promptly on signal for the passage of vessels between 6:30 a.m. and 2:30 p.m. daily, except Sundays, from February 16 to December 14, inclusive, of each year.

(b) From December 15 to February 15, inclusive, on all Sundays, and between 2:30 p.m. and 6:30 a.m. on all other days, the owner of or agency controlling the bridge need not keep a draw tender in constant attendance.

(c) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw during one of the periods specified in paragraph (b) of this section and a draw tender is not in attendance, the Chief Dispatcher, The Michigan Central Railroad Company, Chicago, Illinois, shall be so notified by telephone (collect). The Chief Dispatcher shall then make arrangements for the draw to be opened within 20 minutes after notification or at such other time as may be specified in the notice.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the Chief Dispatcher may be reached by telephone.

### § 117.685 Grand River and the channel at the mouth of Spring Lake, Mich., bridges.

(a) Grand Trunk Western Railroad bridge, mile 2.8.

(1) The draw shall open on signal from March 16 through December 14.

(2) The draw shall open on signal from December 15 through March 15 if at least 24 hours notice is given.

(3) The opening signal is one blast of a whistle, horn, or by shouting.

(b) U.S. Highway 31 bridge, mile 2.9.

(1) From March 16 through May 14, and from October 15 through December 14, the draw shall open on signal.

(2) From May 15 through October 14, the draw shall open on signal from 9:03 p.m. until 6:03 a.m. From 6:03 a.m. until 9:03 p.m., the draw shall open on signal from three minutes before to three minutes after the quarter hour and to three minutes after the hour and half-hour.

(3) From December 15 through March 15, the draw shall open on signal if at least 24 hours notice is given.

(4) Commercial vessels, public vessels of the United States, vessels in distress, and state or local government vessels used for public safety shall be passed through the draw as soon as possible at any time even though the closed periods may be in effect.

(5) The owner of or agency controlling this bridge shall keep a copy of these regulations conspicuously posted both upstream and downstream, either

on the bridge or elsewhere in such a manner that it can easily be read from an approaching vessel at all times, with a notice stating exactly how notice is to be given to the authorized representative of the bridge owner to effect an opening.

(6) The opening signal for this bridge is one long blast followed by one short blast of a whistle, horn, or by shouting.

(c) Railroad drawbridge across the mouth of Spring Lake.

(1) The draws shall open on signal from March 16 through December 14. From December 15 through March 15 the draws shall open on signal if at least 24 hours notice is given.

(2) The opening signal is two blasts of a whistle, horn, or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CGD 77-094, 43 FR 1337, Jan. 9, 1978]

### § 117.690 Pine River, Charlevoix, Mich.: drawbridges.

(a) *Responsibility for operation.* The owners of or agencies controlling the drawbridges described in this section shall provide the necessary tenders and the proper mechanical appliances for the safe, efficient opening of the draws.

(b) *Delays prohibited.* Trains, vehicles, or pedestrians shall not stop or be stopped on these drawbridges for the purpose of delaying its opening, nor shall vessels be handled so as to hinder or delay the operation of the draw, but all passages over or through these drawbridges shall be prompt to prevent delay to either land or water traffic.

(c) *Signals*—(1) *Opening signal.* One long blast followed by one short blast of a whistle, horn, or megaphone.

(2) *Acknowledging signals.* (i) When the draw can be opened, same as opening signal.

(ii) When the draw cannot be opened or is open and must be closed—4 or more short blasts, repeated at regular intervals of approximately 15 seconds, until acknowledged by the same signal. As soon as the draw can be opened, the draw tender shall sound the opening signal.

(d) *Bridge Street Highway Bridge (US-31).* (1) The draw need not be opened between 6 a.m. and 6 p.m. except from 3 minutes before to 3 minutes after the hour and half hour and except for the passage of public vessels of the United States or vessels employed for police and/or fire protection or vessels in distress. Upon being opened, this bridge shall remain open long enough to allow waiting vessels to pass.

(2) Clearance gauges as prescribed by the Commandant shall be installed on both the upstream and downstream sides.

(3) The owner of or agency controlling this drawbridge shall keep conspicuously posted on both the upstream and downstream sides, in such a manner that it may be easily read at any time, a copy of the special regulations governing the operation of this bridge.

(4) The bridge will be opened at any time for vessels seeking refuge from storms.

(e) *Chesapeake and Ohio Railroad Bridge.* The draw shall be opened at any time on signal except when a train is on the bridge or is approaching so closely that it is unable to stop. The draw tender will so signal, and the vessel will acknowledge, as outlined in paragraph (c)(2)(ii) of this section.

[CGFR 68-61, 33 FR 8775, June 15, 1968]

### § 117.692 Crooked River, Mich.; village of Alanson bridge in Alanson, Mich.

(a) The owner of or agency controlling this bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw during the period May 16 to October 31, inclusive, or leave the bridge in an open position when unattended.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw during the period November 1 to May 15, inclusive, at least eight hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Whenever a vessel, unable to pass under the closed bridge, approaches it, the signal for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the tender or operator of the bridge, in case the draw will be opened immediately, shall reply by one long blast of a whistle or horn. In case the opening of the draw will be delayed on account of accident to the machinery or other contingency, the signal from the vessel shall be answered by the tender or operator of the bridge by five short blasts of a whistle or horn, to be followed by one long blast when the draw is to be opened.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

### § 117.695 St. Mary's Falls Canal, Mich.; International Bridge.

(a) The bascule and vertical lift spans of this bridge shall be maintained in the open position during the navigation season, except when a train is approaching and crossing this bridge.

(b) All vessels approaching either drawspan of the bridge when closed, and desiring passage through it, shall signal therefor by three whistle blasts.

(c) Upon receiving the opening signal, the bridge operator shall answer by giving one long and one short blast of the bridge horn, and he shall then proceed immediately to open the bridge.

(d) In case the bridge cannot be opened for any cause, the bridge operator shall answer by giving five short blasts of bridge horn; and the vessel shall then be stopped until the bridge is ready to be opened, when the bridge operator shall give one long and one short blast of the bridge horn for passage, and the vessel may proceed.

(e) Bridge operators shall not give precedence to railway traffic and shall not close the bridge against an upbound vessel after lock gates are open and vessel proceeding toward the bridge, nor against a downbound vessel, 1,200 feet or less west of the bridge, unless said vessel is moored at either canal pier awaiting its turn to take position at lock approaches.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 69-107, 34 FR 15752, Oct. 11, 1969]

### § 117.696 Cheboygan River, Cheboygan, Mich., U.S. 23 bridge.

(a) The draw shall open on signal except that: (1) From May 16 through September 15, Monday through Friday, from 7:18 a.m. to 6:12 p.m., and from 11:18 a.m. to 5:12 p.m., on Saturday, the draw need open only from three minutes before to three minutes after the quarter hour and the three-quarters hour.

(2) From December 15 through March 15, the draw need open only if at least 24 hours notice is given to the City of Cheboygan Police Department.

(b) The draw shall open on signal at any time for public vessels of the United States, state or local government vessels engaged in public safety or law enforcement activities, commercial vessels, or vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The opening signal from all other vessels is one long blast followed by one short blast.

(d) The acknowledging signal is:

(1) When the draw shall open promptly, one long blast followed by one short blast.

(2) When the draw cannot open or is open and must be closed, four short blasts.

(e) The owner of or agency controlling this bridge shall keep a copy of the regulations in this section together with information stating how notice is to be given to the authoized representative of the bridge owner posted both upstream and downstream, either on the bridge of elsewhere in such manner that it can easily be read from an approaching vessel at all times.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 76-160, 42 FR 8374, Feb. 10, 1977]

### § 117.697 Thunder Bay River, Mich.; city of Alpena bridge at Second Avenue.

(a) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance.

(b) For opening of the draw, at least 3-hours' advance notice is required.

(c) Advance notice shall be given to the Dispatcher, Police Department, city of Alpena, Michigan, telephone Alpena 375. Notice shall include the name of the vessel, its location at the time notice is given, if inbound, the destination and expected time of arrival, and if outbound, the point and expected time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

(d) The signal for opening the bridge shall be three distinct blasts of a whistle or horn blown on the vessel. If the draw is ready and will be opened immediately, the draw operator shall answer by three blasts of a siren on the bridge.

(e) The owner of or agency controlling the bridge shall keep a copy of this section conspicuously posted on both sides of the bridge in such manner that it can be read easily at any time.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

### § 117.700 Saginaw River, Mich.; bridges.

(a) The owner of or agencies controlling each bridge shall provide the necessary draw tenders and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels.

(b) From March 16 through December 15 the draw of railroad bridges shall open as soon after receiving an opening signal as possible, however, passage of a vessel shall not be delayed for more than 15 minutes.

(c) Sound signals: These signals may be made by a whistle, horn, or other sound producing device or by shouting.

(1) The opening signal from a vessel is one long blast followed by one short blast.

(2) The acknowledging signal from the draw tender when the draw shall open is one long blast followed by one short blast.

(3) The acknowledging signal from the draw tender when the draw cannot open is four short, rapid blasts.

(d) Visual signals shall be used in conjunction with sound signals when sound signals cannot be heard.

(1) The vessel shall signal for an opening of the draw with a white flag by day or a green light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) When the draw will open, the draw tender shall acknowledge with a white flag by day or a green light at night, swung up and down vertically.

(3) When the draw cannot open, the draw tender shall acknowledge with a red flag by day or a red light at night, swung to and from horizontally in full sight of the vessel until answered from the vessel by the same signal. In lieu of this procedure the draw tender may have two red lights mounted 30 inches between centers, horizontally in an elevated position above the bridge and visible both upstream and downstream which will flash alternately when the draw cannot open.

(e) Public vessels of the United States, vessels in distress, and State or local government vessels used for public safety shall be passed through the draw of these bridges as soon as possible at any time, even though closed periods be in effect. Four short blasts is the opening signal from these vessels.

(f) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall vessels be handled so as to hinder or delay the operation of the draw. All passages across or through a bridge shall be prompt to prevent unnecessary delay to either land or water traffic.

(g) The draw need not open to provide additional clearance for appurtenances unessential for navigation of the vessel, or for appurtenances essential for navigation but which may be altered by hinging, telescoping, collapsing, or otherwise, so as to require no greater clearance than the highest fixed and essentially unalterable point of the vessel.

(h) Bay City highway and railroad bridges:

(1) From December 16 through March 15 the draws of the highway bridges shall open on signal if at least 12 hours' notice has been given to the dispatcher, police department, Bay City.

(2) From March 16 through December 15, the draws of the Belinda Street, Third Street, Veterans Memorial, and Lafayette Street Bridges shall open on signal, except that:

(i) From 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except legal holidays observed in the locality, the draws need not open for the passage of vessels of less than 50 gross tons.

(ii) From 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Friday, except legal holidays observed in the locality, the draws need not open for the passage of downbound vessels of over 50 gross tons.

(iii) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and legal holidays observed in the locality, the draws of the Lafayette Street and Belinda Street Bridges need not open for the passage of recreational vessels except from 3 minutes before to 3 minutes after the hour and half-hour.

(iv) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and legal holidays observed in the locality, the draw of the Veteran's Memorial Bridge need not open for the passage of recreational vessels except from 3 minutes before to 3 minutes after the quarter hour and the three-quarter hour.

(3) The draws of the Detroit and Mackinac, and the Penn Central Railroad bridges shall open on signal from March 16 through December 15.

(i) The draws shall open on signal from December 16 through March 15 if at least 12 hours notice has been given.

(i) I-75 highway bridge at Milwaukee:

(1) The draw shall open on signal from December 16 through March 15 if at least 12 hours notice has been given

(2) The draw shall open on signal from March 16 through December 15. However, vessels should schedule passages through the draw during other than peak vehicular traffic periods as determined by the Michigan State Highway Department.

(j) Bridges at Saginaw:

(1) Sixth Avenue: The draw shall open on signal from 7 a.m. to 11 p.m. from April 1 through November 15. At all other times the draw shall open on signal if at least 3 hours notice has been given.

(2) The draws of all bridges above the Sixth Avenue Bridge shall open on signal if at least 3 hours notice has been given.

(3) Advanced notice as required by this paragraph shall be given to the bridge operations officer, police department, Saginaw.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 72-18R, 37 FR 24422, Nov. 17, 1972, as amended by CGD 77-093, 43 FR 41390, Sept. 18, 1978]

### § 117.702 Black River, Port Huron, Mich.; bridges.

(a) The draws of the Military Street, and Seventh Street bridges shall open as follows:

(1) From May 1 through October 31—(i) From Monday through Saturday, except holidays, from 9 a.m. to 5:30 p.m., the draw need open only on the hour and half-hour; and

(ii) From 5:30 p.m. to 9 a.m., and on Sundays and holidays, the draw shall open on signal.

(2) During the months of April and November—(i) From 8 a.m. to 4 p.m., the draws shall open on signal; and

(ii) From 4 p.m. to 8 a.m., the draws shall open on signal if at least three hours notice is given.

(3) From December 1, through March 31, the draws shall open on signal if at least twenty-four hours notice is given.

(b) The draw of the Tenth Street bridge shall open as follows:

(1) From May 1 through October 31—(i) From 8 a.m. to 11 p.m., the draw shall open on signal; and

(ii) From 11 p.m. to 8 a.m., the draw shall open on signal if at least one hour notice is given.

(2) During the months of April and November, the draw shall open on signal if at least three hours notice is given.

(3) From December 1 through March 31, the draw shall open on signal if at least twenty-four hours notice is given.

(c) Signals. (1) The opening signal from the vessel for each of these bridges is one long blast followed by one short blast of a whistle, horn, siren, or by shouting.

(2) The acknowledging signal from the drawbridge is—(i) One long blast followed by one short blast when the draw will open promptly; and

(ii) Four short blasts when the draw will not open promptly, or is open and must be closed.

(d) The owners of or agencies controlling each bridge shall provide the necessary draw tenders and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels.

(e) Advance notice for the opening of the draws may be given to the dispatcher of the City of Port Huron Police Department.

(f) Public vessels of the United States, state or local government vessels used for public safety, and vessels in distress, shall be passed through the draws of these bridges as soon as possible at any time.

(g) The owner of or agency controlling each bridge shall keep a copy of the regulations in this section, together with a notice stating exactly how the dispatcher may be reached, conspicuously posted both upstream and downstream, either on the bridge or elsewhere in such a manner that it can easily be read from an approaching vessel at all times.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 76-138, 42 FR 8373, Feb. 10, 1977]

### § 117.703 Pine River, Mich.; Michigan State Highway bridge at St. Clair.

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels.

(b) The draw of the bridge shall be opened promptly on the hour and half hour for any vessels awaiting passage, except that between the hours of 2 a.m. and 8 a.m., from April 1 through November 30, the bridge will be opened upon request to the designated representative of the owner. During the winter months from December 1 through March 31 at least 24 hours' advance notice is required.

(c) Signals:

(1) *Opening signal.* One (1) long blast followed by one (1) short blast of a whistle, horn, or siren, repeated if necessary until the acknowledging signal is received from the draw tender.

(2) *Acknowledging signals.* (i) When the draw can be opened immediately, one (1) long blast followed by one (1) short blast.

(ii) When the draw cannot be opened immediately, four (4) or more short blasts in rapid succession. As soon thereafter as the draw can be opened, the draw tender shall sound one (1) long blast followed by one (1) short blast.

(d) The bridge shall not be required to open for pleasure craft which frequent this waterway and carry appurtenances unessential to navigation which extend above normal superstructure. The Commander, 9th Coast Guard District, may inspect such craft with a view to determining the applicability of this provision.

(e) Vehicles shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft be operated so as to hinder or delay the operation of the draw. All passages over or through the bridge shall be prompt to prevent undue delay to either land or water traffic.

(f) The owners of or agencies controlling the bridge shall keep a copy of these regulations conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it may be easily read at any time. This will include directions for contacting the bridge tender or other authorized representatives of the owner.

(g) Vessels in distress and vessels owned or employed by agencies of the Federal, State, or local government in law enforcement or public safety activities shall be afforded the most expeditious passage through the draw as permitted by the provisions of paragraph (b) of this section.

[CGFR 68-17, 33 FR 4373, Mar. 9, 1968, as amended by CGFR 70-125a, 36 FR 1195, Jan. 26, 1971]

### § 117.705 Rouge River, Mich.; Short-Cut Canal and Rouge River between Short-Cut Canal and Maples Road; bridges.

(a) The regulations in this section shall govern the operation of all drawbridges across Short-Cut Canal and Rouge River between Short-Cut Canal and Maples Road.

(b) The owners of or agencies controlling the bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(c) Except as otherwise provided in paragraph (g) of this section, the draw of each bridge shall, upon verbal request or upon receiving the prescribed call signal (1) be opened immediately for the passage of a vessel of 20 tons and upward: *Provided*, That the opening of the draw of a railroad bridge may be delayed not to exceed 7 minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time of the vessel signal and (2) be opened as soon as possible for the passage of a vessel or other watercraft of less than 20 tons: *Provided*, That no such vessel or other watercraft shall be delayed for a longer period than 15 minutes.

(d) Signals:

(1) *Call signal for opening of draw.* Three long blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within signalling distance of the bridge: *Provided*, That the call signal for those bridges referred to in paragraph (g) of this section, to be given by vessels entitled to passage during closed periods under the provisions of paragraph (f) of this section, shall be four long blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* One long blast of a whistle or horn.

(ii) *When draw cannot be opened immediately.* Five short blasts of a whistle or horn to be followed by one long blast of a whistle or horn when the draw is to be opened.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraph (g) of this section, prescribed where local conditions require to govern the operation of certain bridges. The special regulations shall not apply to vessels owned or controlled by the United States Government or to vessels employed by the City of Detroit or other municipalities for police and fire protection or to a vessel in distress. All such United States and municipal vessels and vessels in distress, shall be passed through the draws of all bridges at any hour day or night.

(g) Jefferson Avenue and Fort Street highway bridges: From March 15 through December 15 the draws of these bridges need not be opened from 7:30 a.m. to 8:30 a.m., 4 p.m. to 4:40 p.m., and 5 p.m. to 6 p.m., except on Saturdays, Sundays, and legal holidays observed in the locality. However any vessel proceeding either upstream or downstream which has passed one of these bridges shall be afforded continuous passage through the other.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-45a, 36 FR 1195, Jan. 26, 1971]

### § 117.705a Portage River, Ohio; the New York Central Railroad Co. bridge at Port Clinton, Mile 1.51.

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) The draw of the bridge shall, upon receiving from a vessel the prescribed call signal, be opened immediately for the passage of the vessel: *Provided*, That the opening of the draw may be delayed not to exceed 7 minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time of the vessel's signal: *Provided*, That no such vessel or other watercraft shall be delayed for a longer period than 15 minutes.

(c) Signals:

(1) *Call signal for opening of draw.* Three long blasts and one short blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge tender.

(2) *Acknowledging signal.* Same as call signal.

(d) Trains and vehicles shall not be stopped on the bridge for the purpose of delaying the opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway.

(f) From May 1 through December 1 the draw shall open on signal. From December 2 through April 30 the draw shall open on signal if at least 24 hours' notice has been given.

(g) Clearance gages as prescribed by the Commandant shall be installed on the upstream and downstream sides of the bridge.

(h) The owner of or agency controlling this bridge shall post notice containing the provisions of these regulations both upstream and downstream of the drawbridge, on the bridge, or elsewhere in such a manner that they can easily be read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

(Sec. 6(g)(2), 80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 71-69a, 37 FR 17387, Aug. 26, 1972]

### § 117.705b Portage River, Ohio; Monroe Street Bridge, Port Clinton, Ohio.

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b)(1) From May 1 through May 14 and from November 1 through December 1, the draw shall open on signal.

(2) From May 15 through October 31 the draw shall open on signal from 12 midnight to 6 a.m. From 6 a.m. to 12 midnight the draw shall open on signal from three minutes before to three minutes after the hour and half-hour.

(3) From December 2 through April 30 the draw shall open on signal if at least 24 hours notice is given.

(4) The draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety, vessels in distress, commercial vessels, or vessels seeking shelter from rough weather, even though the closed periods are in effect.

(c) Signals:

(1) Opening signal. One long blast followed by one short blast of a whistle, horn, or siren.

(2) Acknowledging signal. One long blast followed by one short blast.

(3) When the draw cannot open immediately or is to close. Four short blasts.

(d) Vehicles shall not be stopped on the bridge for the purpose of delaying the opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passages over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructures and appurtenances of any craft habitually frequenting the waterway.

(f) Clearance gages as prescribed by the Commandant shall be installed on the upstream and downstream sides of the bridge.

(g) The owner of or agency controlling this bridge shall post notice containing the provisions of these regulations both upstream and downstream of the drawbridge, on the bridge, or elsewhere in such a manner that they can easily be read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 71-69a, 37 FR 17387, Aug. 26, 1972, as amended by CGD 80-035, 45 FR 39846, June 12, 1980]

Effective Date Note: At 45 FR 39846, June 12, 1980, the heading of § 117.705b and paragraph (b) were revised, effective July 14, 1980. For the convenience of the user, the superseded text is set out below.

### § 117.705b Portage River, Ohio; Monroe Street Bridge, Portage, Ohio.

* * * * *

(b) From May 1 through December 1 the draw shall open on signal, except that from 5 p.m. to 12 p.m. on Fridays, and 6 a.m. to 12 p.m. on Saturdays, Sundays, and legal holidays from May 15 through October 31, the draw shall open for the passage of vessels from 3 minutes before to 3 minutes after the hour and half hour. From December 2 through April 30 the draw shall open on signal if at least 24 hours' notice has been given.

* * * * *

### § 117.706 Sandusky Bay, Ohio.

(a) *Penn Central Railroad Co. bridge between Baybridge and Danbury.* (1) This bridge shall be opened promptly on signal from April 1 through October 31 and from 8 a.m. to 4 p.m. from November 1 through November 30. A 24-hour advance notice is required at all other times. This notice shall be given to the Chief Dispatcher, Central Union Terminal, Toledo, Ohio.

(2) The call signal for opening of the draw shall be three long blasts of a whistle or horn, sounded at such distance from the bridge as to permit the vessel to stop if the draw cannot be opened, and repeated if not acknowledged.

(3) If the draw can be opened immediately, the call signal shall be acknowledged by one long blast of a whistle or horn. If the draw cannot be opened immediately, the draw tender shall sound a warning or danger signal of five short, rapid blasts of a whistle or horn, and the vessel shall change its course or stop and shall not proceed toward the bridge until the draw tender sounds one long blast.

(4) The draw shall be opened to full open position with the least possible delay on receiving the call signal.

(5) Trains shall not be stopped on or near the bridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either rail or water traffic.

(6) The owner of or agency controlling the bridge shall keep conspicuously posted on both the east and west sides thereof, in such manner that they can be easily read from approaching vessels, signs showing the call and acknowledging signals prescribed in paragraphs (a) (2) and (3) of this section.

(b) *Ohio Department of Highways bridge between Martin Point and Danbury.* (1) The owner of or agency controlling this bridge shall provide the necessary drawtender and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels except when ice prevents navigation.

(2) The opening signal and the acknowledging signal shall be those prescribed in paragraph (a) (2) and (3) of this section.

(3) The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m to 7 a.m. the draw need not open, except when at least two hours notice is given.

(4) Advance notification should be given to the Sandusky Post, State Highway Patrol.

(5) Public vessels of the United States, vessels in distress, and state or local government vessels used for public safety shall be passed through the draw of this bridge as soon as possible at any time even though the closed periods may be in effect.

(6) The owner or agency controlling the bridge shall keep a copy of the regulations in this section, together with a notice stating exactly how the Sandusky Post, State Highway Patrol, may be reached, conspicuously posted both upstream and downstream, either on the bridge or elsewhere in such a manner that it can be easily read from an approaching vessel at all times.

(c) *The New York Central Railroad Company Bridge across East Cove at foot of Washington Street, Sandusky.* (1) The draw shall be in full open position at all times from March 16 to December 31, inclusive, except that it may be closed five minutes in advance of the time a train is expected to cross the bridge. The cycle of the draw from open position through closed position to open position shall not exceed 20 minutes.

(2) Five minutes in advance of the start of closing, the draw tender shall signal boat operators that the draw is to be closed by hoisting a four-foot by six-foot white pennant on a staff located at the northerly end of the bridge, clearly visible from Sandusky Bay and East Cove, and by sounding five short blasts of a whistle, horn, or megaphone or by ringing a bell continuously for five seconds.

(3) A train shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either rail or water traffic.

(4) From January 1 to March 15, inclusive, whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(5) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(6) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the representative specified in paragraph (c)(4) of this section may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937, 941 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 68-42, 33 FR 5582, Apr. 10, 1968; CGD 76-205, 43 FR 6770, Feb. 16, 1978]

### § 117.706a Ashtabula River, Ashtabula, Ohio; bridges.

(a) *Ashtabula County Commissioners Fifth Street bridge.* (1) The owner of or agency controlling the bridge shall keep a drawtender in constant attendance.

(2) The bridge shall be opened promptly upon signal for the passage of commercial and emergency vessels.

(3) The bridge shall be opened promptly on the hour and half-hour for all other floating craft that may desire passage through the draw.

(4) The call signal for opening the draw shall be three long blasts of a whistle or horn, sounded at such distance from the bridge as to permit the vessel to stop if the draw cannot be opened, and repeated if not acknowledged.

(5) If the draw can be opened immediately, the call signal shall be acknowledged by one long blast of a whistle or horn. If the draw cannot be opened immediately, the drawtender shall sound a warning or danger signal of five short, rapid blasts of a whistle or horn, and the vessel shall stop and not proceed toward the bridge until the drawtender sounds one long blast.

(b) *The New York Central Railroad bridge.* (1) The owner of or agency controlling the bridge shall keep a drawtender in constant attendance except as follows: between the hours of 11 p.m. and 7 a.m., from 1 April to 1 December and the entire period from 1 December to 1 April.

(2) The bridge shall be opened promptly upon signal for the passage of all vessels during the period when a drawtender is in attendance.

(3) The call signal for opening the draw and acknowledging signals shall be those prescribed in paragraphs (a)(4) and (a)(5) of this section.

(4) Whenever a vessel is unable to pass under the closed draw and desires to pass through the draw during the periods of closure specified in paragraph (b)(1) of this section, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(5) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw as specified in the notice for the passage of the vessel.

(6) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the representative specified in paragraph (b)(4) of this section may be reached.

### § 117.707 Buffalo Harbor, N.Y.; city of Buffalo bridges across Buffalo River.

(a) The draw of the Michigan Avenue bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m.

(b) The draw of the Ohio Street bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m.

(c) The South Park Avenue bridge across Buffalo River will not be required to open for the passage of vessels from 7:00 a.m. to 8:30 a.m. and 4:30 p.m. to 6:00 p.m.

(d) The closed periods prescribed in this section shall not be effective on Sundays and on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day or days observed in lieu of any of these under State law.

(e) The draws of these bridges shall be opened promptly on signal for the passage of any vessel at all times during the day or night except as otherwise provided in this section.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 74-107, 39 FR 32986, Sept. 13, 1974]

### § 117.707a Niagara River; City of Buffalo Ferry Street Bridge across Black Rock Channel.

The clear headroom under the bridge at low water datum is 17.3 feet for a width of 86 feet from the pivot pier, thence decreasing to 12.3 feet at the left (westerly) abutment.

(a) All vessels and boats which cannot pass under the bridge shall, on approaching the bridge, reduce speed sufficiently to enable them to come to a dead stop without touching the bridge in case the movable span cannot be lifted. If the wind is dangerously strong, passage shall not be attempted by large vessels without the aid of a tug or tugs.

(b) Vessels and boats bound north shall have the right-of-way and priority for passage through the bridge over those bound south.

(c) All vessels and boats desiring passage through the bridge shall signal therefor by one long and two short whistle blasts.

(d) Upon receiving the opening signal, the bridge operator shall answer by giving the same signal on the bridge whistle and he shall then proceed at once to lift the bridge.

(e) In case the bridge cannot be lifted, for any cause, the bridge operator shall answer a vessel signal by giving five (5) short whistle blasts; and the vessel shall then be stopped until the bridge is ready to be lifted, when the bridge operator shall give the whistle signal for passage and the vessel may proceed.

(f) In case the bridge is disabled so that it cannot be lifted for one-half hour or more pending repairs, red flags will be displayed on the bridge in daytime and two red lantern lights, one above the other, at night. When such signals are displayed no vessel or boat shall signal for or attempt passage through the bridge.

### § 117.708 Niagara River; Canadian National Railway bridge (International Bridge) between Buffalo, N.Y., and Fort Erie, Ontario, Canada.

The draw need not open for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 76-210, 42 FR 41118, Aug. 15, 1977]

### § 117.709 Genesee River, Rochester, N.Y., Stutson Street and Penn Central Railroad bridges.

(a) The owners of or agencies controlling these drawbridges shall provide the necessary tenders and the proper mechanical appliances for the safe, efficient openings of the draws.

(b) The draw of the Penn Central Railroad bridge shall open on signal from April 1 through December 15. From December 16 through March 31 the draws shall open on signal if at least 12 hours notice is given.

(c) The draw of the Stutson Street bridge need not open for the passage of vessels from April 1 through December 15 from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays. However, during these periods, the draw shall open on signal for public vessels of the United States, vessels in distress and vessels seeking shelter from rough weather. At all other times from April 1 through December 15, including Federal holidays, the draw shall open on signal. From December 16 through March 31 the draw shall open on signal if at least 12 hours notice is given.

(d) Signals: (1) Opening signal: One long blast followed by one short blast of a whistle, horn, siren, or by shouting.

(2) Acknowledging signals: (i) When the draw can be opened, same as opening signal.

(ii) When the draw cannot be opened or is open and must be closed—4 short blasts, repeated at regular intervals until acknowledged by the vessel sounding the same signal. As soon as the draw can be opened again, the drawtender shall sound the opening signal.

(iii) In lieu of the sound signals, the drawtender may use a white light located on top of the drawtenders house to indicate that the draw will open promptly.

(e) Clearance gauges, of a type approved by the Commandant, shall be installed on the upstream and downstream sides of each drawbridge by and at the expense of the owner of or agency controlling the bridge and such gauges shall be kept in good repair and legible condition.

[CGD 73-203R, 39 FR 28435, Aug. 7, 1974]

### § 117.710 Navigable waters of the United States within the State of California; bridges generally.

(a) *Operation requirements.* The owners of or agencies controlling drawbridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) *Signals*—(1) *Sound signals.* To be used if weather conditions are such that sound signals can be heard:

(i) *Call signal for opening of draw.* Three long blasts, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the drawtender.

(ii) *Acknowledging signals*—(*a*) *When draw can be opened immediately.* Same as call signal.

(*b*) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* Two long blasts, repeated at regular intervals until acknowledged by the vessel. The vessel shall acknowledge by the same signal. Thereafter, as soon as the draw can be opened, the drawtender shall repeat the call signal.

(2) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard:

(i) *Call signal for opening of draw.* A white flag by day or a white lighted lantern by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw.

(ii) *Acknowledging signals—(a) When draw can be opened immediately.* Same as call signal, to be given in full sight of the vessel.

(*b*) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* A red flag by day or red lighted lantern by night, swung in vertical circles at arm's length in full sight of the vessel, repeated until acknowledged by the vessel. The vessel shall acknowledge by the same signal, given in full sight of the bridge and facing the draw. Thereafter, as soon as the draw can be opened, the drawtender shall repeat the call signal, given in full sight of the vessel.

(3) *Fog signal.* When fog prevails by day or by night the drawtender, after repeating the call signal, shall toll a bell continuously during the approach and passage of the vessel.

(c) *Prompt opening required except when delayed by train.* The draw shall be opened with the least possible delay on receiving the prescribed signal: *Provided,* That the draw shall not be opened when a train is approaching so closely that it cannot be stopped safely before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the drawtender.

(d) *Interference with operation of bridge prohibited.* Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(e) *Vessels for which openings not required.* A drawbridge shall not be required to open for any vessel carrying appurtenances unessential for navigation which extend above the normal superstructure, if the height of the normal superstructure would permit the vessel to pass under the closed bridge. Military masts shall be considered as part of the normal superstructure.

NOTE: On request, the District Commander will cause an inspection to be made of the superstructure and appurtenances of a vessel habitually frequenting that waterway with a view to adjusting any differences of opinion in this matter between the vessel owner and a bridge owner.

(f) *Bridges requiring advance notice for prompt opening.* (1) The owners of or agencies controlling bridges for the prompt opening of which advance notice is required by special regulations (§§ 117.712 to 117.718, inclusive) need not keep drawtenders in constant attendance at such bridges.

(2) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified in the special regulations, of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required. Unless otherwise provided in the special regulations, such advance notice may be given at any regular office of the owner of or agency controlling the bridge. Such notice may also be given to the drawtender or to the person named in the notice posted on the bridge in accordance with paragraph (f)(4) of this section.

(3) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(4) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the special regulations pertaining to the respective bridges together with information as to whom notice should be given when it is desired that a bridge be opened and directions for communi-

cating with such person by telephone or otherwise.

(5) Vessels desiring to pass through these bridges without having given advance notice as specified in the special regulations may be delayed, but the owners of or agencies controlling the bridges shall, under such circumstances, use every reasonable means to expedite openings.

(6) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

NOTE: The following special regulations (§§ 117.711 to 117.718, inclusive), modifying and supplementing the foregoing general regulations (§ 117.710), are prescribed for certain bridges where local conditions warrant.

### § 117.711 Cerritos Channel, Long Beach, Calif.

(a) The draw of the Commodore Schuyler F. Heim Highway bridge shall open on signal except that from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 6 p.m., Monday through Friday except Federal holidays, the draw need not open for the passage of vessels.

(b) The draw of the Henry Ford Avenue bridge shall be maintained in the open to navigation position except when a train is crossing or when maintenance work is being performed.

(c)(1) The opening signal for the Heim bridge is three long blasts. The acknowledging signal is two long blasts followed by one short blast when the draw will open immediately, and four short blasts when the draw cannot open immediately.

(2) If the draw of the Henry Ford Avenue bridge is in the open position, the vessel may go through the open draw with no further signal. If the draw of the Henry Ford Avenue bridge is in the closed position, the opening signal is two short blasts followed by one long blast. The acknowledging signal is two long blasts followed by one short blast when the draw will open immediately, and four short blasts when the draw cannot open immediately.

(d)(1) Radiotelephones are installed to enable the draw tenders at the Heim bridge and the Ford bridge to communicate with vessels on radiotelephone frequency 156.65 megahertz (Channel 13), or such other frequency as may be assigned by the Federal Communications Commission.

(2) Self-propelled vessels over 300 GRT and passenger vessels over 100 GRT and towing vessels should not enter either end of Cerritos Channel until assurance that the draw(s) are able to open promptly on signal has been received by radiotelephone from the drawtender(s). When the Ford bridge is in the open position, vessels need not communicate with it and may pass the open draw. The bridge tender on the Heim bridge can advise vessels if the Ford bridge is open.

(3) Sound signals may be omitted when radiotelephone contact has been satisfactorily established and is maintained until the vessel has passed through the draw. If, for any reason, radiotelephone contact is broken, sound signals shall be used.

(e) The owners of or agencies controlling these bridges shall keep signs showing the opening and acknowledging signals conspicuously posted on the east side of the Commodore Heim bridge and the west side of the Henry Ford Avenue bridge, in such a manner that they can easily be read from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGD 79-001, 45 FR 14550, Mar. 6, 1980; 45 FR 20802, Mar. 31, 1980]

### § 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

(a) *Mud Slough; Southern Pacific Company railroad bridge near Alviso.* At least 24 hours' advance notice required.

(b) *Newark Slough; Southern Pacific Company railroad bridge near Newark.* At least 24 hours' advance notice required. To be given to the Superintendent, Southern Pacific Company, Oakland Pier, Oakland, California.

(c) *San Leandro Bay; State of California highway bridge between Alameda and Bayfarm Island.* From 9:00

p.m., to 5:00 a.m., the draw need not be opened for the passage of vessels. From 5:00 a.m., to 8:00 a.m. and from 5:00 p.m., to 9:00 p.m., at least 12 hours' advance notice required, to be given to the operator of the Bayfarm Island Bridge (telephone LAkehurst 2-2969) between 8:00 a.m. and 5:00 p.m., and to the operator of the Park Street Bridge, Alameda (telephone LAkehurst 2-7282) at all other times.

(d) *Oakland Inner Harbor Tidal Canal; County of Alameda Highway bridges at Park, Fruitvale Avenue (Miller-Sweeny) and High Streets and Department of Army railroad bridge at Fruitvale Avenue.* (1) From 7:30 a.m. to 8:30 a.m., and from 3:45 p.m. to 5:45 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels except that—

(i) The draw shall open as soon as possible for vessels in distress, and emergency vessels, including commercial vessels engaged in rescue or emergency salvage operations; and

(ii) The draw shall open after two hours notice to the Park Street bridge for vessels which must, for reasons of safety, move on a tide or slack water.

(2) At all other times, the draw shall open on signal.

(e) *Corte Madera Creek, Northwestern Pacific railroad bridge near Greenbrae.* (1) The draw shall open on signal if at least 24 hours notice has been given. However, from May 1 through October 31 on Saturdays, Sundays, and holidays that are observed on Monday and Friday during this period, the draw shall open on signal from 8 a.m. on the first day of the holiday or weekend until 10 p.m. on the last day of the weekend or holiday. If no drawtender is present during these periods the draw shall be maintained in the fully open position.

(2) The owner of or agency controlling this bridge shall keep conspicuously posted on both sides of the bridge a copy of the provisions of this paragraph together with information stating exactly how the authorized representative may be reached.

(f) *Channel Street (Mission Creek, China Basin) and Islais Creek. City and County of San Francisco drawbridges at Third and Fourth Street over the Channel Street waterway and Third Street over Islais Creek.* (1) At least one hours' advance notice required.

(g) *Petaluma River*—(1) *Northwestern Pacific Railroad Drawbridge at Blackpoint and Haystack Landing.* The owner of or agency controlling these bridges need not keep a drawtender in constant attendance except when the draw is in the closed position. When the draw is closed and visibility at the drawtender's station is less than 1 mile, up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is fully opened again, the drawtender shall sound 3 blasts once to indicate the draw is in the fully open position.

(2) *City of Petaluma highway bridge at "D" Street.* The draw shall open on signal if at least four hours notice is given.

(h) *Sonoma Creek*—(1) [Reserved]

(2) *Northwestern Pacific Railroad Company bridge at Wingo.* At least 24 hours' advance notice required.

(i) *Mare Island Strait, Napa River, and their tributaries*—(1) U.S. Navy Bridge (Mare Island Causeway) at Vallejo. (i) The draw shall open on weekdays on signal from 7:30 a.m. to 3:45 p.m., and 4:45 p.m. to 10 p.m. and from 6:30 a.m. to 10 p.m. on Saturdays, Sundays, and holidays.

(ii) From 6:30 a.m. to 7:30 a.m. and 3:45 p.m. to 4:45 p.m., daily, except Saturdays, Sundays, and holidays, the draw need not open for the passage of vessels other than public vessels of the United States.

(iii) From 10 p.m. to 6:30 a.m., daily, the draw shall open on signal if at least 2 hours notice is given.

(2) *Southern Pacific railroad bridge at Brazos.* The owner of or agency controlling this bridge need not keep a drawtender in constant attendance except when the draw is in the closed position. When the draw is closed and visibility at the drawtender's station is less than 1 mile, up or down the channel, the drawtender shall sound 2 long blasts every minute. When the draw is fully opened again the drawtender shall sound 3 blasts once to indicate the draw is in the fully open position.

(3) *Imola Avenue highway bridge at Napa.* 72 hours advance notice required.

(4) *Dutchman Slough; James Irvine Bridge.* At least 24 hours' advance notice required.

(Sec. 5, 28 Stat. 362, as amended; sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4) and (g)(3))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-18, 35 FR 5811, Apr. 9, 1970; CGFR 70-107a, 36 FR 13031, July 13, 1971; CGFR 72-30d, 37 FR 17388, Aug. 26, 1972; CG 72-119R, 38 FR 3509, Feb. 7, 1973; CGD 72-255R, 38 FR 9227, Apr. 12, 1973; CGD 73-199R, 39 FR 14202, Apr. 22, 1974; CGD 76-029, 41 FR 10434, Mar. 11, 1976; CGD 76-119, 42 FR 3841, Jan. 21, 1977; CGD 77-078, 42 FR 30178, June 13, 1977; CGD 78-051, 43 FR 6770, Feb. 16, 1978; CGD 79-162, 45 FR 8980, Feb. 11, 1980; CGD 79-088, 45 FR 39846, June 12, 1980]

EFFECTIVE DATE NOTE: At 45 FR 39846, June 12, 1980, § 117.712(f) was added, effective July 9, 1980.

### § 117.713 Minor tributaries of Suisun Bay, Calif.

(a) *Pacheco Creek; Contra Costa County highway bridge and Southern Pacific Company railroad bridge near Martinez.* At least 24 hours' advance notice required.

(b) *Cordelia Slough; a tributary of Suisun Slough; Southern Pacific Company railroad bridge.* At least 24 hours' advance notice required.

### § 117.714 San Joaquin River and its tributaries, Calif.

(a) *San Joaquin River.* (1) Drawbridges from Stockton to Old River junction. The draws shall open on signal if at least twelve hours notice is given to the owners' agents at Stockton as follows:

(i) Port District railway bridge at Stockton—Port Director.

(ii) U.S. Navy Highway bridge at Stockton—U.S. Naval Communications Station.

(iii) Atchison, Topeka and Santa Fe Railway Company bridge at Stockton—Atchison, Topeka and Santa Fe Railway Company Yardmaster.

(iv) State of California Highway bridge (Garwood Bridge) near Stockton—State Highways District Office.

(2) Drawbridges above the Old River junction need not open for the passage of vessels.

(b) *Burns Cutoff, drawbridges.* The draw shall open on signal if at least 48 hours notice is given to the U.S. Naval Communications Station, Stockton.

(c) *Middle River.* (1) Mouth to Woodward Canal, drawbridges.

(i) San Joaquin County highway bridge between Bacon Island and Lower Jones tract. From May 15 through September 15, the draw shall open on signal from 9 a.m. to 5 p.m.; from September 16 through May 14, the draw shall open on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(ii) The Atchison, Topeka and Santa Fe Railway Company bridge near Middle River Station. The draw shall open on signal if at least 12 hours notice is given the Atchison, Topeka and Santa Fe Railway Company Yardmaster, Stockton.

(2) Drawbridges above Woodward Canal need not open for the passage of vessels.

(d) *Old River.* State of California highway bridge between Victoria Island and Byron Tract.

(1) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(2) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(3) At all other times, the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(e) *Grant Line Canal.* San Joaquin County highway bridge. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(f) *Mokelumne River.* (1) State of California highway bridge at East Isleton.

(i) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated, or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(2) Sacramento and San Joaquin Counties highway bridge (Millers Ferry Bridge) over the North Fork of the Mokelumne River near Walnut Grove.

(i) From May 1 through October 31, from 9 a.m. to 5 p.m. the draw shall open on signal.

(ii) At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(3) San Joaquin County highway bridge over the South Fork of the Mokelumne River at New Hope Landing. Upon notice from the District Commander that an emergency exists which requires the removal of the span, the bridge owner shall take out the removable span expeditiously.

(4) Drawbridges above New Hope Landing. The draws of these bridges need not open for the passage of vessels. The owners of or agencies controlling these bridges shall restore the draws to full operation within 6 months of notification to take such action by the Commandant, U.S. Coast Guard.

(g) *Little Potato Slough.* State of California highway bridge at Terminous.

(1) The draw shall open on signal from July 1 through September 30 from 8 a.m. to 5 p.m.

(2) At all other times the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge.

(h) *Snodgrass Slough, drawbridges.* The draws shall open on signal if at least 24 hours notice is given to the owners' agent as follows:

(1) Southern Pacific Transportation Company bridge—Southern Pacific Transportation Company Yardmaster, Roseville.

(2) Sacramento County highway bridge—Sacramento County Highway Department office, Sacramento.

(i) *King Island Cut.* San Joaquin County highway bridge between King Island and Biship Tract. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(j) *Honker Cut.* San Joaquin County bridge, between Empire Tract and King Island. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 73-142, 40 FR 14594, Apr. 1, 1975 as amended by CGD 76-140, 41 FR 52298, Nov. 29, 1976; CGD 77-078, 42 FR 30178, June 13, 1977]

### § 117.715 Georgiana Slough, Calif., drawbridges.

(a) *Open Signal.* One long blast followed by one short blast.

(b) *Sacramento County highway bridges near Isleton and Walnut Grove.* (1) From May 1 through October 31, the draws shall open on signal from 6 a.m. to 10 p.m.

(2) From November 1 through April 30 the draws shall open on signal from 9 a.m. to 5 p.m.

(3) At all other times, the draws of these bridges shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draws shall open on signal if at least 1 hour notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(c) *Southern Pacific railroad bridge near Isleton.* The draw shall be maintained in the fully open position; except that the draw may close for the passage of trains. When the draw is closed and visibility from the drawtender's station is less than 1 mile up or down the channel, the drawtender shall sound 2 long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

[CGD 73-142, 40 FR 14595, Apr. 1, 1975]

### § 117.716 Sacramento River and its tributaries, Calif.

(a) *Sacramento River.* (1) Isleton to American River junction, drawbridges.

(i) From May 1 through October 31, the draws shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draws shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draws shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draws shall open on signal if at least 1 hour notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(iv) The opening signal for the Southern Pacific railway and highway bridge at Sacramento is one long blast followed by one short blast.

(2) American River junction to Chico Landing, drawbridges. The draw shall open on signal if at least 12 hours notice is given to the owners' agents as follows:

(i) Southern Pacific railroad bridge at Knights Landing—Southern Pacific Yardmaster, Roseville.

(ii) State of California highway bridge at Knights Landing—State Division of Highways Office, Woodland.

(iii) State of California highway bridge at Meridian—State Division of Highways Office, Marysville.

(iv) Colusa County highway bridge at Colusa—Colusa County Sheriff's Office, Colusa.

(v) State of California highway bridge at Butte City—State Division of Highways Office, Gridley.

(3) Drawbridges above Chico Landing. The draws of these bridges need not open for the passage of vessels. The owners of or agencies controlling these bridges shall restore the draws to full operation within 6 months of notification to take such action from the Commandant, U.S. Coast Guard.

(b) *Steamboat Slough, State of California highway bridge at the head of Grand Island.* (1) Opening signal. Two long blasts followed by one short blast.

(2) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(3) At all other times the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hour's notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue of emergency salvage operations, or for vessels in distress.

(c) *Miner Slough.* State of California highway between the northerly end of Ryer Island and Holland Tract. The draw shall open on signal if at least 12 hours notice is given to the Rio Vista Bridge.

(d) *Sutter Slough.* Sacramento County highway bridge near Courtland. The draw need not open for the passage of vessels. The owner of or agency controling the bridge shall restore the draw to full operation within 6 months of notification to take such action from the Commander, Twelfth Coast Guard District.

(e) *American River.* State of California highway bridge at Sacramento. The draw need not open for the passage of vessels.

(f) *Lindsey Slough.* The center span of the Hastings Farms highway bridge between Egbert and Lower Hastings Tracts shall be removed if at least 72 hours notice is given to the Hastings Farms Office, San Francisco.

[CGD 73-142, 40 FR 14595, Apr. 1, 1975]

### § 117.718 Eureka Slough, near Eureka, Calif.

At least 24 hours' advance notice required.

### § 117.720 Coos Bay, Oreg.

(a) [Reserved]

(b) *Bridge of Southern Pacific Railroad Co. below North Bend.* (1) The drawspan of the bridge shall be kept open at all times except while actually required for the necessary passage of trains over the drawspan.

(2) During foggy weather a fog bell installed in the center of the drawspan shall be rung continuously, striking every 10 seconds.

(3) Any time during foggy weather, when the draw is closed and the passage is not clear for boats, there shall be sounded continuously a siren which may be heard at a distance of 1 mile from the drawspan. When the bridge is again opened the siren shall be stopped, indicating that the way is clear for the passage of boats.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 1774, Dec. 12, 1967, as amended by CGFR 71-80a, 36 FR 21590, Nov. 11, 1971; CGD 76-036, 41 FR 32217, Aug. 2, 1976]

### § 117.725 Umpqua River, Oreg.

(a) *Bridge of Willamette-Pacific Railroad Co. at Reedsport, Oreg.* (1) The drawspan of the bridge across the Umpqua River at the mouth of Smith River shall be promptly opened for the passage of steamboats or other watercraft upon the following signals: One long blast of the whistle followed quickly by one short blast and one long blast.

(2) Vessels or other watercraft without power shall hail the bridge by horn or megaphone, or the bridge tender shall be notified by verbal communication of the desire to pass through the drawspan.

(3) During foggy weather an answering signal of one long blast from the whistle on the bridge will indicate that everything is clear and the draw open for the passage of boats. An answering signal from the whistle on the bridge of a succession of short blasts will indicate that there is some difficulty in immediately opening the draw, due to a passing train or some other cause.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 77-150, 43 FR 8517, Mar. 2, 1978]

### § 117.735 Nehalem River, Oregon Highway Bridge, mile 6.5.

The draw need not open for the passage of vessels. However, the draw shall be returned to operable condition within 6 months after notification from the Commandant, U.S. Coast Guard, to take such action.

[CGFR 71-42a, 36 FR 22293, Nov. 24, 1971]

### § 117.739 Umpqua River, Dean Creek, Little Nestucca River, and Skipanon River, Oreg.; bridges.

The Oregon State Highway Department drawbridges across Umpqua River, Mile 11.0, side channel, near Gardiner, north of Bolon Island; Dean Creek at its mouth near Reedsport; Little Nestucca River, Mile 2.0, near Oretown; and Skipanon River, Mile 2.5, upstream from Warrenton need not be opened for the passage of vessels.

### § 117.740 Youngs Bay, Lewis and Clark River and Skipanon River, Oreg.; bridges.

(a) The drawbridges across Youngs Bay, Lewis and Clark River and Skipanon River, all in Clatsop County, shall open on signal for the passage of vessels. The signals which may be made by a whistle, horn, siren, trumpet or by shouting for each bridge are:

(1) Highway bridge across Youngs Bay at Smith Point—two long blasts followed by two short blasts.

(2) Burlington Northern (Spokane, Portland, and Seattle) railroad bridge across Youngs Bay at Smith Point—one long blast followed by one short blast.

(3) Youngs Bay highway bridge at the foot of Fifth Street, Astoria—two long blasts followed by one short blast.

(4) Lewis and Clark River highway bridge, near the mouth—one long blast followed by four short blasts.

(5) Skipanon River railroad and highway bridges at Warrenton—one long blast followed by one short blast.

NOTE 1: Pursuant to an agreement between the United States and the State of Oregon, the regulations in paragraph (a) pertaining to the highway bridge on the Skipanon River are suspended. The arrangement states, in part—

The State of Oregon agrees to schedule two openings of the existing bridge each week to permit the passage of maritime traffic on the Skipanon River. This schedule will be subject to the approval of the Coast Guard. The two weekly openings will be scheduled no closer than every three days. The State will not schedule openings during peak vehicular traffic hours.

The State of Oregon will not be required to open the bridge at the scheduled time unless a request to do so is received by the State, or the State's agent for that purpose, within twelve hours of the scheduled opening.

The State of Oregon will not be required to open the bridge during peak vehicular traffic hours. Peak vehicular traffic hours are agreed to be between 0730 and 0930, and 1630 and 1830 on Mondays through Fridays, excluding holidays.

The State of Oregon agrees to post appropriate public notices on the bridge and in local periodicals, advising the public of the schedule of openings and the procedures for passing through the bridge.

NOTE 2: The regulations in paragraph (a) pertaining to the railroad bridge on the Skipanon River are suspended, and the railroad bridge will operate on the schedule established for the highway bridge in NOTE 1.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 5 U.S.C. 553(b)(3)))

[CGD 74-231R, 39 FR 32986, Sept. 13, 1974, as amended by CGD 75-155, 40 FR 51195, Nov. 4, 1975]

### § 117.750 Willamette River at Portland, Oreg., Columbia River at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg.; bridges (highway and railroad); signals.

(a) *Call signals for opening of draw.* These signals shall be as prescribed for each bridge in paragraph (b) of this section. It is given by vessels as notice to bridge operators to open the draw, or in case the draw is already open, that they intend to pass through. A call signal given twice in rapid succession indicates that vessel has authority to pass bridges during closed periods (see paragraph (f)(1) of this section).

(b) *Answering signals*—(1) *Acknowledging signal.* Shall be the same as the call signal for each bridge. Its purpose is to acknowledge the call signal of a vessel and to indicate that the operator intends to open the draw as soon as practicable, or that he will hold it open.

(2) *Danger signal.* Shall consist of a series of short blasts, at least four, given in rapid succession, and repeated if necessary. Its purpose is to answer the call signal of a vessel, but to indicate that the draw cannot or will not be opened at once, or, when vessels are waiting in the vicinity, that the draw, if open, is about to be closed. It is also to be used in emergency to revoke an acknowledging signal.

(3) *Rescinding signal.* Shall be the reverse of the call signal for each bridge. It is given by a vessel to cancel a previous call signal, to indicate that the vessel does not intend to pass through and that the draw need not be opened, or may be closed.

(4) *Answer to rescinding signal.* (i) Answer by the bridge operator to a rescinding signal shall be the danger signal (see paragraph (b)(2) of this section).

(5) *Call signals.* The following call signals are prescribed for vessels wishing to have the drawspans opened or held open.

(i) Burlington Northern railroad bridge, at Vancouver, Wash., one long followed by one short blast.

(ii) Interstate Highway Bridge, at Vancouver, Wash., two long followed by one short blast.

(iii) [Reserved]

(iv) Burlington Northern railroad bridge, at St. Johns, Oreg., one long followed by one short blast.

(v) Broadway Bridge, two long followed by one short blast.

(vi) Oregon-Washington Railroad & Navigation Co. bridge, one long followed by one short blast.

(vii) Burnside Bridge, one long followed by two short blasts.

(viii) Morrison Bridge, one long followed by three short blasts.

(ix) Hawthorne Bridge, one long followed by four short blasts.

Call signals may be given on any form of whistle, horn, siren, or trumpet with sufficient range or volume to be heard by bridge operators.

(c) *To bridge owners.* All bridges to which this section applies shall be equipped with suitable air whistles of sufficient size and range that signals sounded on same shall be distinctly audible up and down stream under adverse wind and weather conditions for a distance of 2,500 feet, except for the Burlington Northern Railroad Co. bridges over Columbia and Willamette Rivers, which shall have a range of at least 5,000 feet under the same conditions.

(d) *To navigators.* (1) A vessel, desiring at any time (except during closed periods, see paragraph (f)(1) of this section) to pass through any of the above-mentioned bridges, under which it cannot pass with the draw closed, shall sound the call signal for such bridge as prescribed in paragraph (b) of this section, and shall repeat such signal at intervals until it is answered by the operator of the bridge (see paragraphs (a) and (e) of this section). In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream shall be considered as having the right of way. When either vessel waits for passage of the other, it shall again give the call signal for the bridge and receive acknowledgment before proceeding. It is incumbent upon navigators to make sure that their signals are understood before proceeding through a drawspan, and when approaching bridges, vessels should be kept under control, with a view to stopping, if necessary, before reaching the bridge.

(2) Vessels authorized to pass through bridges during closed periods, as provided in paragraph (f)(1) of this section, shall sound the call signal twice in rapid succession. Signals to open shall be given by vessels at a distance of at least 1,000 feet from the bridge, except in case of a vessel leaving a wharf or anchorage or when waiting less than 1,000 feet from the bridge. In such cases the signal shall be given early enough to allow the operator of the bridge sufficient time in which to clear and open the draw before arrival of the vessel.

(3) All vessels when passing any bridge shall be moved as expeditiously as is consistent with established rules governing speed in the harbor of Portland, and all towboats engaged in handling other craft or in towing logs through any of the bridges shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(4) Vessels with hinged or adjustable masts or booms projecting above their fixed structures shall lower same and pass under the bridge, if practicable, without signaling for the draw to open.

(e) *To bridge operators.* (1) If the bridge can be opened, or is already open, when a call signal is given, the operator shall promptly answer the vessel calling by giving the acknowledging signal and promptly open the draw (except during closed periods, see paragraph (f)(1) of this section) or hold it open, as the case may be.

(2) In case the draw cannot be opened at once when the call signal is given, the operator shall promptly answer the vessel calling by giving the danger signal and shall repeat same, if necessary. As soon as the exigency which prevented opening has been removed the bridge operator shall promptly sound the regular acknowledging signal for that bridge to advise vessels that the draw can be opened at once, and he shall thereupon proceed to open same if there is a vessel waiting to pass through.

(3) When two vessels arrive at a bridge at or near the same time and blow the call signal, lift spans, when opened, shall be raised high enough to clear the taller vessel. If either vessel at any drawbridge waits for passage of the other and again gives the call signal, the bridge operator shall promptly answer with the acknowledging signal and shall hold the span open. In case the intentions of a waiting vessel are not understood by a bridge operator, when the draw is open he shall sound the danger signal as a warning to vessels that he is about to close the draw.

(4) If a rescinding signal is given by a vessel to cancel a previously given call signal, and it is evident the vessel does not intend to pass through, the bridge operator shall answer with the danger signal (four or more short blasts) and may then close the draw, or need not open it.

(f) *Closed periods.* (1) The periods from 7 a.m. to 8:30 a.m. and 4 p.m. to 5:30 p.m. are hereby designated closed periods during which the draw spans of bridges carrying street traffic over Willamette River at Portland shall not be opened to navigation except as below provided, or when necessary to prevent accident.

(2) Closed periods above defined shall not be effective on Saturday, Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, or days observed in lieu of these under State law: *Provided*, That closed periods shall not apply against harbor patrol or fireboats answering calls. At the Broadway Bridge only, oceangoing vessels of 750 gross tons or over that are entering the harbor directly from the ocean may signal and pass through this bridge at any hour. Vessels authorized to pass through bridges during closed periods or in case of emergency when opening of the draw is necessary to prevent accident, shall sound the call signal twice in rapid succession, i.e., with an interval of not over 5 seconds between signals. The Broadway Bridge shall be opened, however, for oceangoing vessels of 750 tons or over under the rule above whether the vessel gives a single or double call signal.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 71-67a, 36 FR 19694, Oct. 9, 1971; CGFR 71-80a, 36 FR 21590, Nov. 11, 1971]

### § 117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.

(a) *Southern Pacific Company's bridge at Salem.* (1) Except as provided in paragraph (a)(2) of this section, the drawspan shall be opened promptly for the passage of rivercraft unable to pass under the closed bridge upon the following signal: One long blast, followed quickly by one short blast; or upon verbal request of the operator of any watercraft of his desire to have the drawspan opened.

(2) When river stages are below 28 feet, Corps of Engineers gage, and a vessel unable to pass under the bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge. Such advance notice may be given to the dispatchers of the Southern Pacific Company at Portland or to the Southern Pacific Company Agent at Salem.

(3) Upon receipt of such advance notice, arrangements shall be made for the prompt opening of the drawspan at the time given in the notice for passage of the vessel, and the draw shall be so opened.

(4) The owner or agency controlling the bridge shall keep a copy of the regulations in this paragraph conspicuously posted on both the upstream and downstream sides of the bridge, in such place and manner that it can be easily read from the river at any time.

(b) [Reserved]

(c) *Southern Pacific Transportation Co. bridge near Harrisburg, Oreg.* The draw need not be opened for navigation and the operating machinery need not be maintained. However, the draw shall be returned to an operable condition within 6 months after notification from the Commandant to take such action.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-36a, 35 FR 10212, June 23, 1970; CGFR 71-80a, 36 FR 21590, Nov. 11, 1971; CGD 75-227, 39 FR 34529, Sept. 26, 1974]

### § 117.758 Skamokawa Creek, Wash.; Washington State Highway bridge at Skamokawa.

The draw of the bridge need not be opened for the passage of vessels.

### § 117.758a Columbia River, Vancouver, Wash.

(a) The draws of the highway vertical lift drawbridges (Interstate 5) need not open for the passage of vessels from 6:30 a.m. to 8 a.m., and 3:30 p.m. to 6 p.m., Monday through Friday, except holidays.

(b) The draws need not open at any time for the passage of recreation vessels that may pass under the several fixed navigation spans which provide a higher vertical clearance than the draw span.

(Sec. 6(g)(2), 80 Stat. 937; 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 76-172, 41 FR 52299, Nov. 29, 1976]

### § 117.759a Columbia River; Spokane, Portland, and Seattle Railway Co. bridge between Wishram, Wash., and Celilo, Oreg.

(a) The owner of, or agency controlling the bridge, shall provide the necessary equipment, controls, and personnel necessary for the safe, prompt, and efficient opening of the draw upon signal at any time of the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draw.

(b) The call signal for opening the draw shall be one long blast of a whistle, siren, trumpet, horn or megaphone, followed immediately by one short blast. When the draw of the bridge can be opened immediately or if the draw is open and will be held open, for the passage of the vessel, the draw tender shall reply by one long blast of a whistle, siren, trumpet, horn or megaphone, followed by one short blast. If the draw cannot be opened immediately the draw tender shall reply by a succession of short blasts on a whistle, siren, trumpet, horn or megaphone.

(c) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper condition for prompt operation.

(d) The owner of, or agency controlling the bridge, shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at any time, a copy of the regulations of this section.

### § 117.759b Drawbridges across navigable waters in Oregon where constant attendance is not required.

(a) Draw tenders are not required to be in constant attendance at the bridges listed in this section.

(b) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge or elsewhere, in such manner that they may be readily read from an approaching vessel, a resumé of the regulations of this section pertaining to each bridge, together with information as to whom notice should be given when an opening is required and directions for communicating with such persons by telephone or otherwise.

(c) Prompt openings of the draw shall be made at the time agreed upon.

(d) Test openings shall be made frequently enough to ascertain that the operating machinery of the draws is in serviceable condition.

(e) Signals:

(1) Opening signal. One long blast followed by one short blast.

(2) Acknowledging signal. One long blast followed by one short blast.

(3) When the draw cannot open immediately or is to close. Four short blasts.

(f) The bridges to which this section applies and the regulations applicable in each case are as follows:

(1) Railroad bridge across Coalbank Slough. The draw shall open on signal if at least 24 hours' notice has been given.

(2) Highway bridge across Coalbank Slough. The draw shall open on signal if at least 24 hours' notice has been given.

(3) Railroad bridge across Siuslaw River at Cushman. The draw shall open on signal if at least 24 hours' notice has been given.

(4) [Reserved]

(5) Burlington Northern railroad bridge at North Portland Harbor (Oregon Slough). The draw shall open on signal if at least one-half hour notice has been given.

(6) Southern Pacific railroad bridge across the Willamette River at Albany. The draw shall open on signal, if at least 6 hours' notice has been given.

(7) Oregon State Highway Department bridge, Van Buren Street, Corvallis. The draw shall open on signal if at least 7 days' notice has been given, however, the draw need not open on Saturdays, Sundays, and legal holidays.

(8) Highway bridge across the Columbia River between Hood River, Oreg and White Salmon, Wash. The draw shall open on signal if at least 12 hours' notice has been given.

(9) Highway bridge across the Coquille River at Coquille. The draw shall open on signal if at least 48 hours' notice has been given.

(10) Burlington Northern, Inc. (Spokane, Portland, and Seattle Railway Company) railroad bridges across the John Day River near Astoria, Blind Slough and the Clatskanie River near Clatskanie. The draws shall open on signal if at least 1 hour's notice is given. However, the draws shall open promptly on signal from 4 hours before to 4 hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon).

(11) Oregon Coast U.S. 101 drawbridges across the Siuslaw River at Florence and the Coquille River at Bandon. The draws shall open on signal if at least 2 hours' notice is given. This notice may be given by marine radio, telephone, radiotelephone via the marine operator, or any other suitable means to the Coos Bay South Slough Bridge attendant.

(12) Coos River secondary highway drawbridge across the Isthmus Slough at Coos Bay. The draw shall open on signal if at least 4 hours' notice is given.

(13) Coos River secondary highway drawbridge across the Coos River at Coos Bay. The draw shall open on signal if at least 12 hours' notice is given.

(14) Coos River secondary highway drawbridge across Catching Slough at Coos Bay, lower Columbia River highway drawbridge across the John Day River at Astoria and the Nehalem secondary highway drawbridge across the Wailuski River at Astoria. The draws shall open on signal if at least 48 hours' notice is given.

(15) Oregon Coast highway drawbridge across Coalbank Slough at Coos Bay. The draw need not open for the passage of vessels and the machinery for the draw need not be maintained in operable condition. However, the draw shall be returned to operable condition by the owner of the bridge within 6 months after notification by the Commandant, U.S. Coast Guard, to take such action.

(16) Umpqua River highway drawbridge at Reedsport, Oreg. The draw shall open on signal from 8 a.m. to 4 p.m., Monday through Friday. At all other times the draw shall open on signal if at least 4 hours' notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 71-80a, 36 FR 21590, Nov. 11, 1971, as amended by CGFR 71-107a, 37 FR 6926, Apr. 6, 1972; CGD 72-231R, 39 FR 32986, Sept. 13, 1974; CGD 72-231, 40 FR 8175, Feb. 26, 1975; CGD 77-150, 43 FR 8517, Mar. 2, 1978]

### § 117.760 Columbia and Snake Rivers in the vicinity of Pasco, Wash.; bridges.

(a) The draws of the Union Pacific Railroad bridge across the Columbia River at mile 323.5 between Burbank and Kennewick and the Burlington Northern Railroad bridge across the Snake River at mile 1.5 between Pasco and Burbank shall open on signal.

(b) The draw of the Burlington Northern railroad bridge across the Columbia River at mile 328.0 between Pasco and Kennewick shall open on signal from 8 a.m. to 4 p.m. At all other times the draw shall open on signal if at least 2 hours' notice is given through the General Yardmaster, Pasco, Wash. The owner of or agency controlling this bridge shall, on both the upstream and downstream sides of the bridge, post a notice stating how and to whom notice is to be given.

(c) Signals.

(1) Opening sound signal—to be repeated until acknowledged by the draw tender.

(i) Union Pacific Railroad bridge—2 long blasts and 1 short blast;

(ii) Burlington Northern Railroad bridges—1 long blast and 2 short blasts.

(2) Opening visual signals may be used in conjunction with sound signals for all bridges listed in this section. These visual signals are a white flag by day and a white light at night swung in a full circle at arm's length in full sight of the bridge facing the draw.

(3) The acknowledging sound signal shall be the same as the opening

sound signal when the draw will open. When the draw cannot open, the signal shall be 4 short blasts, given in rapid succession, repeated until acknowledged by the same signal from the vessel.

(4) Sound and visual signals may be omitted when radiotelephone communications have been satisfactorily established and maintained between the draw tender and the approaching vessel, until the vessel has passed through the bridge.

(d) When two vessels approaching from opposite directions meet near a drawbridge listed in this section, the downbound vessel shall have the right-of-way. When one vessel waits for passage of another, the waiting vessel shall repeat the call signal for the bridge and receive an acknowledging signal from the draw tender before proceeding.

(e) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower these appurtenances and pass under the bridges, if practicable, without signaling for the draw to open.

[CGD 74-223, 40 FR 5147, Feb. 4, 1975]

### § 117.761 Clearwater River at Lewiston, Idaho.

(a) *Camas Prairie Railroad Bridge, Mile 0.6.* The draw shall open on signal if at least 3 hours notice is given to the Camas Prairie Railroad, Lewiston, Idaho.

(b) *Signals.* (1) The opening signal is two long blasts of a whistle, horn, or other sound producing device.

(2) The acknowledging signal from the draw tender when the draw shall open is two long blasts.

(3) When the draw cannot open or must close immediately, the draw tender shall sound four short, rapid blasts which are repeated until acknowledged by the same signal from the vessel.

(4) A white flag by day or a white light at night swung in full circles at arm's length in full sight of and facing the drawbridge may be used in conjunction with sound signals.

(5) This bridge is equipped with an FM radiotelephone station and when communications have been established between the draw tender and an approaching vessel, the request for the bridge opening and answering acknowledgment may be given by radiotelephone and sound and visual signals may be omitted. If radiotelephone contact cannot be maintained, sound signals must be used.

(c) The owner of or agency controlling a bridge shall keep a copy of these regulations conspicuously posted, on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-099A, 41 FR 11289, Mar. 18, 1976]

### § 117.762 Snake River at Lewiston, Idaho, and Clarkston, Wash.

(a) *Idaho/Washington Interstate Highway Bridge, Mile 139.6.* The draw shall open at the following times if at least 2 hours, notice is given to the Washington State Department of Highways:

*March 15 to November 15:*
6 a.m., 10 a.m., 3 p.m., 7 p.m., 9 p.m.
*November 16 to March 14:*
9 a.m., 10 a.m., 2 p.m., 3 p.m.

(b) The owner of or agency controlling the bridge shall keep a copy of these regulations, and a notice stating how the advance notices are to be given conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-099, 40 FR 56430, Dec. 3, 1975]

### § 117.765 Cowlitz and Lewis Rivers, Wash.; bridges.

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and sound signals can be heard, when a vessel approaches a drawbridge and desires to pass through the draw:

(i) The person in charge of such vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, three long distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or by three loud and distinct strokes of a bell.

(iii) When the draw of the bridge cannot be opened immediately the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone, or two distinct strokes of a bell. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in paragraph (a)(2)(iii) of this section, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in paragraph (a)(2)(iii) of this section, viz, two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(3) When weather conditions prevent hearing sound signals:

(i) The person in charge of a vessel desiring to pass shall swing a white lighted lantern or white flag, the former by night, the latter by day; the person signaling to face the drawbridge and swing the lantern or flag in front of him at arm's length, in vertical circles.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering a white lighted lantern or a white flag, the former by night, the latter by day, the movement to be vertical.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging a red lighted lantern or red flag, the former by night, the latter by day; the person signaling to face the vessel and swing the lantern or flag in front of him at arm's length in vertical circles. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in paragraph (a)(3)(iii) of this section, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in paragraph (a)(3)(ii) of this section, viz, raising and lowering a lighted lantern or a flag.

(4) When fog prevails by day or by night the draw tender on giving signal (paragraphs (a) (2)(ii), (2)(iv), (3)(ii), and (3)(iv) of this section) that draw will be opened, shall toll a bell continuously during the approach and passage of the vessel.

(5) The draw shall be opened with the least possible delay upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(6) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(7) This paragraph shall apply in the cases of all bridges, but to provide for intermittent attendance of bridge tenders on bridges across streams where water traffic is minor, or at times nonexistent, the special regulations and exceptions in paragraph (b) of this section are prescribed.

(b) *Special regulations*—(1) *Northern Pacific Railway Company bridge across Lewis River.* The draw of the bridge need not be opened for the passage of vessels, and paragraph (a) of this section shall not apply to this bridge.

(2) Cowlitz River; highway bridge at Allen Street, Kelso, Wash.

(i) The owner of or agency controlling the drawbridge will not be required to keep a draw tender in constant attendance.

(ii) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. In the event a vessel is delayed by weather conditions or otherwise, the operator will remain a reasonable time, not to exceed 2 hours, and open the bridge on signal for the passage of the vessel. If a vessel is expected to be delayed more than 2 hours the operator will be so advised, and notified of the later time the opening will be required.

(iii) Upon receipt of advance notice the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel. If a vessel passing through the bridge intends to return through within 2 hours the bridge tender will be advised of the fact and he will remain at and open the bridge upon signal for the vessel's return passage.

(iv) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the authorized representative may be reached by telephone or otherwise.

(v) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

### § 117.770 Willapa Harbor and navigable tributaries, Wash.; bridges.

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) The person in charge of a vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, the proper signal for the bridge, as described in paragraph (b) of this section.

(3) When the draw of the bridge can be opened immediately, the draw tender shall reply by one long distinct blast, followed by one short distinct blast of a horn or whistle

(4) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by four short distinct blasts of a horn or whistle. (This signal may also be used by a vessel to countermand its signal to open the draw.)

(5) Trains and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under the drawbridge shall be prompt to prevent delay to either land or water traffic.

(b) *Special regulations.* (1) The following signals are prescribed for vessels wishing to have the draws opened:

(i) Washington State highway bridge, North Fork, Willapa River, at Raymond, Washington: One long blast of horn or whistle followed quickly by one short blast and one long blast.

(ii) Northern Pacific Railroad bridge, South Fork, Willapa River at Raymond, Washington: Two long blasts of a horn or whistle, followed quickly by one short blast.

(iii) [Reserved]

(iv) Washington State highway bridge, Naselle River, about 6 miles downstream from Naselle, Washington: One long blast of a horn or whistle.

(2) Constant attendance by draw tenders is not required at the State highway bridges across the North Fork of Willapa River at Raymond and the Naselle River about 6 miles downstream from Naselle. Vessels requiring openings of these bridges shall give advance notice of not more than 2 hours for openings between 8 a.m. and 5 p.m. on all days except Saturdays, Sundays, and legal holidays, and advance notice of not more than 8 hours for openings at any other time. The owner of the bridges shall keep con-

spicuously posted on both the upstream and downstream sides, in such a manner that they can be easily read at any time, copies of the regulations of this section, together with notices stating exactly how the bridge operators may be reached to obtain openings of the bridges, including names, addresses, and telephone numbers.

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 70-18, 35 FR 5811, Apr. 9, 1970]

### § 117.775 Grays Harbor and tributaries, Wash.; bridges.

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw:

(i) The person in charge of such vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, three long distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(ii) When the draw of the bridge can be opened immediately the draw tender shall reply by two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or by three loud and distinct strokes of a bell.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn or megaphone, or two distinct strokes of a bell. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay as in paragraph (a)(2)(iii) of this section, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in paragraph (a)(2)(ii) of this section, viz, two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(3) When weather conditions prevent hearing sound signals:

(i) The person in charge of a vessel desiring to pass shall swing a white lighted lantern or white flag, the former by night, the latter by day; the person signaling to face the drawbridge and swing the lantern or flag in front of him at arm's length, in vertical circles.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering a white lighted lantern or a white flag, the former by night, the latter by day; the movement to be vertical.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging a red lighted lantern or red flag, the former by night, the latter by day; the person signaling to face the vessel and swing the lantern or flag in front of him at arm's length, in vertical circles. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in paragraph (a)(3)(iii) of this section, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in paragraph (a)(3)(ii) of this section, viz, raising or lowering a lighted lantern or a flag.

(4) When fog prevails by day or by night the draw tender on giving signal (paragraphs (a) (2)(ii), (2)(iv), (3)(ii), or (3)(iv) of this section) that draw will be opened, shall toll a bell continuously during the approach and passage of the vessel.

(5) The draw shall be opened with the least possible delay upon receiving the prescribed signal: *Provided,* That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(6) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft or ves-

sels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt to prevent delay to either land or water traffic.

(7) This paragraph shall apply in the cases of all bridges, but to provide for distinctive signals given by vessels to particular bridges, as where two or more are within sight or hearing and but one bridge is desired to be opened, the special regulations and exceptions in paragraph (b) are prescribed.

(b) *Special regulations.* (1) State bridge over Hoquiam River at Simpson Avenue: two long blasts of whistle followed quickly by one short blast of whistle.

(2) [Reserved]

(2-a) Riverside Avenue (Sixth Street) Bridge across Hoquiam River, Hoquiam: two long blasts of whistle followed quickly by two short blasts.

(3) Northern Pacific Railway bridge over Hoquiam River near forks of river: One long blast of whistle followed quickly by one short and one long blast.

(4) Northern Pacific Railway bridge over Wishkah River at Aberdeen: one long blast of whistle followed quickly by one short blast.

(5) State of Washington bridges over Wishkah River at Heron Street and at Wishkah Street: One long blast of whistle followed quickly by two short blasts.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 71-66a, 36 FR 18861, Sept. 23, 1971; CGD 72-85R, 37 FR 11567, June 9, 1972; CGD 74-176, 39 FR 26154, Sept. 17, 1974; CGD 75-063 and CGD 75-179, 41 FR 7947, Feb. 23, 1976]

### § 117.776 State highway bridge across Chehalis River, Aberdeen, Wash.

(a) From 7:15 a.m. to 8:15 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Friday, except federal holidays, the draw need not open for the passage of vessels of less than 5,000 gross tons. At all other times, the draw shall open on signal.

(b) The opening signal is two short blasts followed quickly by one long blast.

(c) The regulations set forth in § 117.775(a) shall apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-179, 41 FR 7947, Feb. 23, 1976]

### § 117.784 Hood Canal, Wash.; Washington State Department of Highways bridge near Port Gamble.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance, except as otherwise provided in paragraph (b)(3) of this section.

(b) Whenever a vessel is unable to safely pass under either of the two fixed approach spans and desires to pass through the draw of the bridge, at least 1 hour advance notice of the time of required opening shall be given to the authorized representative of the owner of or agency controlling the bridge by any of the methods indicated below.

(1) Telephone requests for bridge opening will be directed as collect calls to the Toll Office at the bridge site. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOW, or through other marine wire or radio telephone service.

(2) Audio requests for watercraft without facilities as set forth in paragraph (b)(1) of this section will be made by sounding one long blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(3) During unusual or emergency periods, the authorized representative of the owner of or agency controlling the bridge will be required to operate the draw of the bridge on a demand basis for specified periods of time, which will normally not exceed 48 hours, when requested by the Department of the Navy. While on a demand basis the draw tender will be in attendance on the bridge with radio communications equipment in operation.

(c) After receipt of proper advance notice of a required opening of the drawspan the authorized representative of the owner of or agency controlling the bridge shall arrange for opening the span at the specified time. When opening of the bridge is imminent, all signals, radio or audio, will be promptly acknowledged by both the bridge and vessels desiring to pass through the draw.

(d) Communication when opening is imminent.

(1) Radio. The drawtender shall monitor and communicate with vessels on radiotelephone frequency 156.65 megahertz (Channel 13). If radio contact cannot be made on 156.65 megahertz, the drawtender shall monitor and communicate with vessels on 156.80 megahertz (Channel 16). These frequencies are subject to change by the Federal Communications Commission.

(2) Audio: The draw tender will communicate with vessels not equipped with radiotelephone or in instances where radio communication is not satisfactory by use of audio signals as follows:

(i) Vessels wishing to have the draw opened will sound one long blast of a horn or whistle followed quickly by two short blasts.

(ii) If the drawspan cannot be opened immediately, or if open and must close immediately, the draw tender will sound four or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged.

(e) Audio signals may be omitted when radiotelephones are used as set under paragraph (d)(1) of this section. Vessels using radiotelephone communication to request the opening of the draw shall maintain continuous radiotelephone communication with the drawtender until the vessel has completed passage through the draw.

(f) The owner of or agency controlling the bridge shall keep the provisions of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridge or elsewhere in such a manner that they can easily be read at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 71-88a, 37 FR 2838, Feb. 8, 1972; CGD 75-089, 40 FR 42189, Sept. 11, 1975]

### § 117.785 Tacoma Harbor, Tacoma, Wash.; bridges.

(a) *Drawtenders and operating machinery.* The owners of or agencies controlling these drawbridges shall provide the necessary drawtenders and the proper machinery for the safe, prompt opening of the draws for the passage of vessels. The draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation, unless specifically excluded from this provision elsewhere in this section.

(b) *Operation of the draw.* Upon receiving the opening signal from a vessel, the draw span shall be cleared of trains, vehicles, pedestrians or other material, as soon as possible, and opened with the least possible delay, unless:

(1) A train is approaching so closely that it cannot be safely stopped before reaching the draw, or

(2) The draw machinery is inoperable, or

(3) Special operation regulations are in effect for that bridge which authorize the draw to remain closed at that time.

(c) *Unnecessary delay prohibited.* Trains, vehicles, or pedestrians shall not stop or be stopped on a drawbridge so as to delay its opening, nor shall vessels be navigated so as to hinder or delay the closure of the draw. All passages across or through a drawbridge shall be prompt to prevent delay to either land or water traffic. Passage through a draw shall be made at no greater speed than that required to maintain reasonable control of a vessel so as to minimize damage to the bridge, fenders, and/or vessel in case of collision.

(d) *Posted regulations.* The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides of the drawbridge, in such a manner that it can be easily read at any time from an approaching vessel, a brief statement of the regulations in this section pertaining to the bridge, together with information as to whom notice should be given when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(e) *Operation signals.* (1) Sound signals may be made by a whistle, horn, or other similar devices, and shall be sounded within reasonable hearing distance of the bridge, repeated if necessary, in time to permit appropriate response by the drawtender. Visual signals are to be used in conjunction with sound signals if weather conditions are such that sound signals may not be heard or if the prescribed audible signals cannot be sounded.

(i) Sound signals for opening of the draw:

(*a*) City Waterway; State of Washington highway bridge at South 11th Street: One long and one short blast.

(*b*) [Reserved]

(*c*) City Waterway: Union Pacific railroad bridge near South 15th Street: One long, one short, and one long blast.

(*d*) Blair Waterway; State of Washington highway bridge at East 11th Street: Two long blasts.

(*e*) Hylebos Waterway; State of Washington highway bridge at East 11th Street: One long and one short blast.

(ii) Visual signals for opening of the draw, applicable to all bridges listed in paragraph (e)(1)(i) of this section: A white flag by day or a white light by night, raised and lowered repeatedly in full sight of the draw.

(iii) Acknowledging signals, applicable to all bridges listed in paragraph (e)(1)(i) of this section:

(*a*) Draw will be opened without delay or will be opened after the end of a delay: The sound signal shall be the same as for the opening of the draw or two distinct strokes of a bell. The visual signal shall be the same as for the opening of the draw, shown in full sight of the vessel.

(*b*) Draw cannot be opened promptly or, if open, must be closed immediately: The sound signal shall be four or more short blasts or four or more distinct strokes of a bell sounded in rapid succession. The visual signal shall be a red flag by day or a red light by night, raised and lowered repeatedly in full sight of the vessel. These signals may be used by a vessel to countermand a signal for opening of the draw.

(iv) Fog signals. When fog prevails by day or night, the drawtender, after giving the opening signal, shall toll a bell continuously during the approach and passage of a vessel.

(f) *Special operation regulations*—(1) *City Waterway*—(i) *State of Washington highway bridge at South 11th Street.* (*a*) A drawtender need not be kept in constant attendance at this bridge. At least 2 hours advance notice of the time the opening is desired must be given to the city of Tacoma, Department of Public Works, which shall arrange for the prompt opening of the draw on proper signal at approximately the time requested. However, the draw need not be opened from 6:30 a.m. to 8:30 a.m., and 3:30 p.m. to 5:30 p.m. Monday through Friday, except national holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of a vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible by the city of Tacoma, Department of Public Works, upon application by responsible representatives of affected navigation interests.

(ii) *Union Pacific Railroad bridge near South 15th Street.* (*a*) The draw of this bridge need not be opened from 7:15 a.m. to 8 a.m., and 4:15 p.m. to 5 p.m. except when necessary to prevent disaster to shipping.

(2) *Puyallup Waterway and River, Washington.* (i) The Department of Highways bridge at East 11th Street need not be opened for the passage of vessels, and paragraphs (b) to (e) of this section shall not apply to this bridge. The bridge shall be returned to an operable condition within 6 months after notification by the Commandant to take such action.

(ii) Chicago, Milwaukee, St. Paul and Pacific Railroad bridge. The draw shall open on signal if at least 24 hours' notice is given.

(3) *Blair Waterway, State of Washington highway bridge at East 11th Street and Hylebos Waterway, State of*

*Washington highway bridge at East 11th Street.*

(i) The draw need not open from 6:30 a.m. to 8:30 a.m., and from 3:30 p.m. to 5:30 p.m., Monday through Friday, except federal holidays, for vessels of less than 1,000 gross tons, unless—

(A) The vessel has a vessel of 1,000 gross tons or over in tow; or

(B) The vessel is proceeding to pickup a vessel of 1,000 gross tons or over for towing.

(ii) The draw shall open as soon as possible, in an emergency situation, after notice is given to the City of Tacoma Department of Public Works.

(4) *Hylebos Waterway, State of Washington highway bridge at East 11th Street.* The draw need not be opened from 6:30 a.m. to 8:30 a.m., and 3:30 p.m. to 5:30 p.m. Monday through Friday, except national holidays, for vessels of less than 1,000 gross tons, unless such vessel has in tow a vessel of 1,000 gross tons or over, or opening of the draw is required for the pickup for towing of vessel of 1,000 gross tons or over. Under emergency conditions, openings will be made as soon as possible by the city of Tacoma, Department of Public Works, upon application by responsible representatives of affected navigation interests.

(80 Stat. 937; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 69-105, 35 FR 3678, Feb. 25, 1970, as amended by CGD 72-85R, 37 FR 11567, June 9, 1972; CGD 73-215R, 39 FR 5314, Feb. 12, 1974; 41 FR 18299, May 3, 1976]

### § 117.790 Duwamish Waterway at Seattle, Wash.; bridges.

(a) The owners of or agencies controlling these drawbridges shall provide the necessary tenders and the proper machinery for the safe, prompt opening of the draws for the passage of vessels.

(b) *Sound signals.* A long blast shall be of 3 seconds duration; a short blast shall be of 1 second duration. The opening sound signals are as follows:

(1) *Burlington Northern Bridge and Southwest Spokane Street Bridge, mile 0.3.* One long blast followed quickly by three short blasts.

(2) *Burlington Northern Bridge, mile 0.4.* One long blast followed quickly by one short blast.

(3) *First Avenue South Bridge, mile 2.5.* Three long blasts.

(4) *Fourteenth Avenue South Bridge, mile 3.8.* One long blast followed quickly by one short blast and one long blast.

(c) Acknowledging Sound Signals are as follows:

(1) When the draw will open, same as opening signal.

(2) When the draw will not open or must close immediately, four short blasts, repeated until acknowledged by the vessel.

(3) As soon as the draw can open, the draw tender shall sound the opening signal.

(d) *Visual Signals.* Lights shall be of sufficient intensity to be readily visible at night and flags be of sufficient size to be readily visible from both the vessel and the bridge. Visual signals are as follows:

(1) From the vessel, a white light at night or a white flag by day swung in full circle at arm's length in full sight of and facing the drawbridge.

(2) When the draw of the bridge will open immediately the draw tender shall reply by vertically raising and lowering a white light at night or a white flag by day.

(3) When the draw of the bridge will not open immediately, the draw tender shall reply by swinging a red light at night or a red flag by day in full circle at arm's length in full sight of and facing the vessel. This signal may also be used by a vessel to countermand its signal to open the draw.

(e) During conditions of restricted visibility, as defined in the Rules of the Road, the draw tender, after giving the acknowledging signals that the draw will open, shall toll a bell continuously during the approach and the passage of the vessel.

(f) The draws of each bridge across the Duwamish Waterway shall open promptly on signal except that the draws of the Southwest Spokane Street bridges and the First Avenue South bridge need not open for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except holidays. However, the draws shall open at any time for a vessel of 5,000 tons or more.

(g) City of Seattle Southwest Spokane Street bridges and the Burlington Northern drawbridges have two-way radiotelephones. When the request for bridge opening and answering acknowledgment is given by radiotelephone, sound or visual signals are not required. Both vessel and bridge must continue to monitor the selected radiotelephone channel until the vessel has cleared the draw. If radiotelephone contact cannot be maintained, sound or visual signals shall be used.

(h) Appurtenances. The draws of the Southwest Spokane Street bridges need not open for a vessel equipped with appurtenances that can be readily lowered to enable the vessel to pass under the closed draws. If a vessel passes through the draws of the Southwest Spokane Street bridges 40 times or more in any 12-month period and is equipped with appurtenances that can be altered to enable the vessel to pass under the closed draws, the district commander, upon request of the bridge owner, may notify the vessel owner and the bridge owner of his determination of required modification and grant a reasonable time to accomplish the required modification. If after the expiration of this time, necessary modifications to the appurtenances have not been made, the draws need not open for the passage of this vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGD 75-097, 41 FR 10434, Mar. 11, 1976]

### § 117.795 Lake Washington Ship Canal; bridges.

(a) The draw of the Burlington Northern Railroad bridge at Shilshole Bay shall open on signal.

(b) The draws of the Ballard, Fremont Avenue, University and Montlake Boulevard bridges shall open on signal except that they:

(1) Need not open from 7 a.m. to 9 a.m., and from 4 p.m. to 6 p.m., Monday through Friday, except national holidays, for vessels of less than 1,000 tons unless the vessel has a vessel of over 1,000 tons in tow, except under emergency conditions when the Seattle City Engineer is notified; and

(2) Shall open on signal from 12 midnight to 8 a.m., if at least one hour notice is given by telephone, radiotelephone, or othewise to the drawtender at the Fremont Avenue drawbridge.

(c) Signals.

(1) The opening sound signal for each bridge is one long blast followed by one short blast, except that the University bridge opens on one long blast followed by three short blasts.

(2) The acknowledging sound signal from the drawtender of each bridge the same as the opening signal when the draw will open.

(3) The acknowledging sound signal from the drawtener of each bridge when the draw will not open, or is open and must close, is four short blasts.

(4) The opening visual signal is a white flag by day, or a white light at night, swung in circles at arms length while facing the drawbridge.

(5) The acknowledging visual signal when the draw will open is a white flag by day, or a white light, raised and lowered vertically while facing the vessel.

(6) The acknowledging visual signal when the draw will not open, or is open and must close, is a red flag by day, or a red light at night, swung in circles at arms length while facing the vessel.

(d) During conditions of restricted visibility, as defined in the rules of the Road, the drawtender after giving the acknowledging signals that the draw will open, shall toll a bell continuously during the approach and passage of the vessel.

(e) The following provisions shall not relieve the owner of or agency controlling a drawbridge from opening the draw for the passage of vessels in accordance with paragraphs (a) and (b) of this section.

(1) A vessel shall not require the opening of the draw when such opening is needed only to provide additional clearance for appurtenances unessential to navigation of the vessel, or for appurtenances essential to navigation but which may be altered by hinging, telescoping, collapsing, or other-

wise, so as to require no greater clearance then the highest fixed and essentially unalterable point of the vessel.

(2) Appurtenances unessential to navigation include, but are not limited to fishing outriggers, radio antennae which are or can reasonably be made flexible or collapsible, television antennae, false stocks, and masts purely for ornamental purposes. Appurtenances unessential to navigation do not include radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks, derrick substructures and/or buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment clearly necessary to the intended use of the vessel.

(3) The owners of, or agencies controlling the drawbridges, shall report to the District Commander in charge of the locality, the names of any vessels causing bridge openings considered to be in violation of this paragraph. The District Commander may at any time cause an inspection to be made of any craft so reported and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Commander decides a vessel has appurtenances unessential to navigation, he notifies the vessel owner of his decision, specifying a reasonable time for making necessary alterations. If the vessel owner is aggrieved by the decision of the District Commander, he may within 30 days after receipt of the request to perform necessary alterations appeal the decision to the Commandant in writing. If the Commandant rules that an appurtenance is unessential to navigation, the District commander again specifies to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the vessel in such a manner as to require drawbridge openings is deemed to be in violation of the regulations of this paragraph unless the necessary alterations have been made.

(f) All non-self-propelled vessels, crafts, or rafts, navigating the Lake Washington Ship Canal, for which the opening of any bridge may be necessary, shall, while passing such bridge, be towed by a suitable self-propelled vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

[CGD 76-117, 42 FR 46925, Sept. 19, 1977]

### § 117.800 Lake Washington, Wash.; pontoon bridge between Seattle and Mercer Island, Wash.

(a) The owners of or agencies controlling the drawbridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) *Signals.* (1) *Call signals for opening of draw*—(i) *Sound signal.* One long blast followed by one short blast of whistle, horn, or megaphone, sounded within a reasonable distance of the bridge. As used in the regulations in this section long blast shall mean a blast of four seconds duration, short blast shall mean one of one second duration.

(ii) *Visual signal.* To be used in conjunction with sound signals when conditions prevent sound signals being heard. A white flag by day, a white light by night, swung in full vertical circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *By bridge operator*—(*a*) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: Four or more short blasts of a whistle, horn or megaphone or four or more loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(*b*) *Visual signals.* To be used in conjunction with sound signals when conditions prevent sound signals being heard. Draw to be opened immediately: A white flag by day, a white light by night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately: A red flag by day, a red light by night swung in full vertical circles at arm's length facing the vessel.

(ii) *By the vessel.* Vessels or other watercraft having signaled for opening of the draw and having received a signal that the draw cannot be opened immediately, shall acknowledge said signal by four or more short blasts or by swinging in full vertical circles at arm's length a red flag by day or a red light by night.

(c) Automobiles, trucks, or other vehicles shall not be stopped on the draw of the bridge, except in cases of urgent necessity, nor shall vessels or other watercraft be manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be prompt, in order to prevent delay to either land or water traffic.

(d) All vessels, craft, or rafts, not self-propelled, navigating Lake Washington, for which the opening of the bridge may be necessary, shall, while passing the bridge, be towed by a suitable self-propelled boat.

(e) Upon the signal prescribed in paragraph (b) of this section being given, the draw shall be opened promptly for the passage of any vessel, or vessels, or other water craft not able to pass through the openings under the fixed spans of the pontoon bridge near each shore, or under the spans of the fixed bridge on the east side of Mercer Island:

(1) *Provided*, That the draw need not open from 6:30 a.m. to 9:30 a.m. and from 3 p.m. to 6:30 p.m., Monday through Friday, except holidays, for any vessel of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross ton or over, or a pile driver that is unable to pass the fixed spans, and

(2) *Provided further*, That the bridge need not be opened at any time for the passage of any vessel of less than 300 gross tons equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the fixed spans, unless it has in tow a vessel which is unable to pass under the fixed spans. Any vessel of less than 300 gross tons regularly navigating the lake shall be subject to inspection and measurement by the District Commander who is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or movable stacks, masts and flagpoles which can be lowered to enable the vessel to pass under the fixed spans. If the District Commander decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified, the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the fixed spans; and

(3) *Provided further*, That the bridge will not be required to be opened at any time for any craft towing logs or scows, after the owners of the bridge shall have provided fenders, approved by the Commanoant at the openings under the approach span of the pontoon bridge, adjacent to Mercer Island, and under the main span of the fixed bridge between Mercer Island and the mainland east of Lake Washington, unless such craft cannot pass under those spans; and

(4) *Provided further*, That when the draw shall have been opened for ten minutes, or for such shorter period as may have been necessary for the passage of vessels, or other watercraft desiring to pass, it shall be closed for the crossing of vehicles or individuals, if any be waiting to cross, and after being so closed for ten minutes, or for such shorter time as may be necessary for the said vehicles or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring, and authorized herein, to pass at such time; and

(5) *Provided further*, That, at night, between the hours of 9 p.m. and 5 a.m., the draw shall be opened for the passage of all vessels that cannot pass under the fixed spans upon notice given by telephone or otherwise to the bridge operator at least 30 minutes in advance of the time that the vessel desires to pass through the draw.

(f) [Reserved]

(g) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the bridge operator specified in paragraph (e) of this section may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967 as amended by CGD 77-031, 42 FR 38903, Aug. 1, 1977]

### § 117.801 Lake Washington, Wash.; pontoon bridge between Foster Island and Evergreen Point, Wash.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel is unable to safely pass under either of the two fixed approach spans and desires to pass through the draw of the bridge, at least one hour advance notice of the time of required opening shall be given to the authorized representative of the owner of or agency controling the bridge by any of the methods indicated below.

(1) Telephone requests for bridge openings will be directed as collect calls to the Highway Radio. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOH, or through other marine wire or radiotelephone service.

(2) Audio requests for watercraft without facilities as set forth in paragraph (b)(1) of this section will be made by sounding one long blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(c) After receipt of proper advance notice of a required opening of the drawspan the authorized representative of the owner of or agency controlling the bridge shall arrange for opening the span at the specified time. When opening of the bridge is imminent, all signals will be promptly acknowledged by both the bridge and vessels desiring to pass through the draw. If the drawspan cannot be opened immediately, or if open and must close immediately, the draw tender will sound four or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(d) Automobiles, trucks, or other vehicles shall not be stopped on the draw of the bridge, except in cases of urgent necessity, nor shall vessels or other watercraft be manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be prompt, in order to prevent delay to either land or water traffic.

(e) All vessels, craft, or rafts, not self-propelled, navigating Lake Washington, for which the opening of the bridge may be necessary, shall while passing the bridge, be towed by a suitable self-propelled boat.

(f) The bridge will not be required to open on week days between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans.

(g) The bridge need not be opened at any time for the passage of any vessel of less than 300 gross tons equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the fixed spans, unless it has in tow a vessel which is unable to pass under the fixed spans. Any vessel of less than 300 gross tons regularly navigating the lake shall be subject to inspection and measurement by the District Commander who is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or movable stacks, masts and flagpoles which can be lowered to enable the vessel to pass under the fixed spans. If the District Commander decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified, the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the fixed spans.

(h) When the draw shall have been opened for ten minutes, or for such shorter period as may have been necessary for the passage of vessels, or other watercraft, desiring to pass, it shall be closed for the crossing of vehicles or individuals, if any be waiting to cross, and after being so closed for ten minutes, or for such shorter time as may be necessary for the said vehicles or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring, and authorized herein, to pass at such time.

(i) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can easily be read at any time, a copy of the regulations in this section.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGD 79-075, 44 FR 34131, June 14, 1979]

### § 117.805 Snohomish River, Steamboat Slough, and Ebey Slough, Wash.; bridges.

(a) *Drawtenders and operating machinery.* The owners of or agencies controlling drawbridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels in accordance with the regulations in this section. The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(b) *Signals*—(1) *Sound signals.* To be used if weather conditions are such that sound signals can be heard.

(i) *Call signal for opening of draw.* Three long blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge repeated if necessary, and in time to give due notice of the draw tender: *Provided,* That distinctive call signals are prescribed for certain bridges as follows:

Snohomish River; State of Washington Department of Highways bridges near the mouth. Three long blasts followed by one short blast (one signal opens both bridges).

Steamboat Slough; Great Northern Railway Company bridge near the mouth. One long blast followed by one short blast and one long blast.

Steamboat Slough; State of Washington Department of Highways bridges near the mouth. Two long blasts followed by one short blast (one signal opens both bridges).

Ebey Slough; State of Washington Department of Highways bridge near the mouth. Three long blasts followed by one short blast.

(ii) *Acknowledging signals*—(*a*) When draw can be opened immediately (*opening signal*). Two long blasts followed by one short blast of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(*b*) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* Two long blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell. (This signal may also be used by a vessel to countermand its call signal.) Thereafter, as soon as the draw can be opened, the draw tender shall sound the opening signal.

(2) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard.

(i) *Call signal for opening of draw.* A white flag by day or a white lighted lantern by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw.

(ii) *Acknowledging signal when draw can be opened immediately* (*opening signal*). Same as call signal, to be given in full sight of the vessel.

(iii) *Acknowledging signal when draw cannot be opened immediately, or when it is open and must be closed immediately.* A red flag by day or a red lighted lantern at night, swung in vertical circles at arm's length in full sight of the vessel. (This signal may also be used by a vessel to countermand its call signal.) Thereafter as soon as the draw can be opened, the draw tender shall give the opening signal.

(3) *Fog signal.* When fog prevails by day or by night, the draw tender, after giving the opening signal, shall toll a

bell continuously during the approach and passage of the vessel.

(c) *Prompt opening required except when delayed by train.* Except as otherwise provided in paragraph (e) of this section, the draw shall be opened with the least possible delay on receiving the prescribed signal: *Provided,* That the draw shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the draw tender.

(d) *Interference with operation of bridge prohibited.* Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(e) *Bridges where constant attendance of draw tenders is not required.* (1) The owners of or agencies controlling the bridges listed in paragraph (e)(5) of this section need not keep draw tenders in constant attendance.

(2) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified, of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(3) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(4) The owners of or agencies controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section pertaining to the bridge together with information as to whom notice should be given when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(5) The bridges to which this paragraph applies, and the special regulations applicable in each case, are as follows:

Snohomish River; State of Washington Department of Highways bridges north of Everett, at least 2 hours' advance notice required: *Provided,* That during freshets a draw tender shall be kept in constant attendance upon order of the District Commander.

Snohomish River; State of Washington Department of Highways bridge at the foot of Hewitt Avenue, Everett. At least 4 hours' advance notice required: *Provided,* That during freshets a draw tender shall be kept in constant attendance upon order of the District Commander.

Steamboat Slough; bridges of Great Northern Railway Company and State of Washington Department of Highways near Marysville. At least 4 hours' advance notice required.

### § 117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(d) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section pertaining to the bridge together with information as to whom notice should be given when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1)—(2) [Reserved]

(3) Skagit River; State of Washington highway bridge, Skagit County highway bridge, Great Northern Railway Co. bridge, and Northern Pacific Railway Co. bridge near Mount Vernon and Sedro Woolley, Wash., need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges: *Provided*, That they shall be returned to an operable condition within 1 year after notification by the Commandant to take such action.

(4) [Reserved]

(5) Wishkah River; State of Washington bridges over Wishkah River at Heron Street and at Wishkah Street. The draws shall open on signal if at least one-half hour notice is given. The State Department of Highways shall accept collect telephone calls from vessels via the local marine telephone operator or long distance telephone.

(6) Hoquiam River; State Department of Highways bridge at Simpson Avenue, Hoquiam. The draw need not open unless at least one (1) hour's notice has been given. The State Department of Highways shall accept collect telephone calls from vessels via the local marine telephone operator, or long distance telephone.

(7) Chehalis River, Union Pacific Railroad bridge at South Montesano. The draw shall be maintained in the open to navigation position.

(8) [Reserved]

(9) Deep River, Wash., mile 3.5 state highway bridge one mile south of the town of Deep River. The draw shall open on signal if at least four hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)), 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

[CGFR 67-46, 32 FR 17774, Dec. 12, 1967, as amended by CGFR 69-105, 35 FR 3679, Feb. 25, 1970; CGFR 71-58a, 36 FR 18527, Sept. 16, 1971; CGFR 72-166, 37 FR 7694, Apr. 19, 1972; CGD 72-98R, 37 FR 11567, June 9, 1972; CGD 75-172, 40 FR 54242, Nov. 21, 1975; CGD 75-099, 41 FR 2385, Jan. 16, 1976; CGD 75-065, 41 FR 7947, Feb. 23, 1976; CGD 76-229, 42 FR 38904, Aug. 1, 1977; CGD 79-116, 44 FR 47335, Aug. 13, 1979]

### § 117.815 Pend Oreille River, Idaho; bridge of Northern Pacific Railway Co. near Sandpoint.

The draw need not be opened for the passage of vessels

[CGFR 69-2, 34 FR 2113, Feb. 13, 1969]

### § 117.900 Honolulu Harbor, Hawaii; Kalihi Channel bridge.

(a) The agencies controlling the bridge shall provide the necessary bridge tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draw for the passage of vessels during the scheduled hours of operation as follows:

*Monday Through Friday, Except Legal Holidays*

| *Open on signal* | Closed periods |
|---|---|
| 5:00 a.m. to 7:00 a.m. | 7:00 a.m. to 8:00 a.m. |
| 8:00 a.m. to 4:00 p.m. | 4:00 p.m. to 5:00 p.m. |
| 5:00 p.m. to 7:00 p.m. | 7:00 p.m. to 5:00 a.m. |

(b) From 5:00 a.m. on Saturdays to 5:00 a.m. on Mondays and on legal holidays, the bridge will be opened for traffic upon six (6) hours' advance notice to the Honolulu Harbor Pilot Station at Aloha Tower. In event of emergencies during the closed periods specified in paragraph (a) of this section, the Pilot Station will be called for clearance. In the event that a seismic sea-wave (tidal wave) is imminent, the bridge shall be opened to full horizontal and vertical clearances upon orders of the Harbor Master, Port of Honolulu. Emergency ship movements or imminence of wave arrival may require the bridge to be opened even though all persons have not evacuated the Sand Island area. Every effort shall be made to keep the bridge in the down position as long as reasonably possible; however, the Harbor Master may open the bridge within thirty (30) minutes of estimated time of wave arrival if he deems it prudent.

(c) The following described visual signals shall be mounted on a mast on the bridge control tower:

(1) A flashing green light to indicate that the draw can be opened immediately. The light shall be exhibited during the time the draw is opening and until the draw is to be closed.

(2) A flashing red light to indicate that the draw cannot be opened immediately, or being opened, is to be closed immediately. The light shall be exhibited during the time the draw is closing.

(3) Two (2) amber lights in a vertical line, one over the other, 6 feet apart, with the uppermost 6 feet below the flashing red light. The uppermost amber light shall be flashing and, when exhibited, shall indicate incoming traffic only. The lowermost amber light shall be fixed, and, when exhibited, shall indicate outgoing traffic only. When both lights are exhibited, the harbor is closed to all traffic.

(4) The flashing red and green lights shall be mounted on a mast on the bridge control tower at a height of 65 feet above the water plane at mean lower low water datum, shall be visible between 50 degrees and 245 degrees true from seaward and visible for a distance of approximately 3 miles. The fixed and flashing amber lights shall conform to the bearings and visibility as prescribed for the red and green lights.

(5) In addition to the above described lights, two (2) shapes shall be exhibited from a yardarm on the mast at a distance of 60 feet above the water plane at mean lower low water datum. One shape shall be an orange ball 2 feet in diameter. The other shape shall be an orange cone 2 feet in diameter across the base.

(d) When a vessel or other watercraft intends to pass through the draw of the bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding two (2) prolonged blasts followed immediately by two (2) short blasts. If the draw can be opened immediately, the bridge tender shall exhibit the flashing green light. The orange ball will be exhibited to indicate an inbound vessel; the cone will be exhibited to indicate an outbound vessel. During daylight hours when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and hoist the ball and cone simultaneously to the yardarm. If for some reason the drawbridge cannot be opened after the tender has signified immediate opening by the flashing green light and either the ball or cone, he shall immediately exhibit the rescinding signal of the flashing red light and hoist the ball and cone simultaneously to the yardarm. As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the ball or cone as the case may require to advise vessels that the drawbridge can be opened at once and he shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate the drawbridge when the visual signals indicate the bridge cannot be opened. During the period of darkness, when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and the fixed and flashing amber lights simultaneously. If for any reason the draw cannot be opened after the tender has signified immediate opening by the flashing green light and either the flashing amber light or fixed amber light, he shall immediately exhibit the rescinding signal of the flashing red light and the fixed and flashing amber lights simultaneously. As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the flashing or fixed amber lights as the case may require to advise vessels that the drawbridge can be opened at once. He shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate through the drawbridge when the visual signals indicate that the bridge cannot be opened.

(e) Vessels having a length greater than one hundred fifty (150) feet shall not pass through the opened bridge span at the same time going either in the same direction or approaching each other from opposite directions. When vessels having a length less than one hundred fifty (150) feet are approaching from opposite directions to pass through the bridge, each vessel shall give the call signal for opening the draw. The vessel approaching from seaward shall have the right of way. Both vessels shall then be navigated in accordance with the applicable pilot rule.

(f) Clearance gages of a type to be approved by the Commandant shall be provided and kept in good legible condition. Unless otherwise specified, such clearance gages shall consist of two board gages painted white with black figures not less than nine inches high, which shall indicate the headroom clearances under the closed center of the span at all stages of the tide. These gages shall be so placed, that they will be plainly visible to the operator of a vessel approaching the bridge either inbound or outbound, and shall be illuminated at night and during periods of decreased visibility caused by heavy rain or mist.

(g) At each opening of the draw full horizontal and vertical clearances shall be provided, regardless of the size or requirements of the passing vessel or other watercraft.

(h) The agencies controlling the bridge shall keep a complete record of all openings of the draw and shall promptly report to the District Commander all cases in which the drawspan has been required to remain open for an unreasonable length of time or to remain closed for more than 10 minutes after the prescribed signal to open the draw has been given.

(i) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(j) The bridge shall not be required to open for craft carrying appurtenances unessential to navigation and any vessel operator who causes the bridge to be opened in order to clear appurtenances unessential for navigation shall be considered in violation of the regulations of this section.

(k) Appurtenances unessential for navigation shall include but not be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(l) The agencies controlling the bridge shall report to the District Commander the names of any vessels requiring bridge openings considered to be in violation of this section. The District Commander may at any time cause an inspection to be made of any craft using the waterway and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Commander decides a vessel has appurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making the alterations. If the vessel owner is aggrieved by the decision of the District Commander, he may within 30 days after receipt of the request to perform necessary alterations, appeal the decision to the Commandant in writing. If the Commandant rules that an appurtenance is unessential to navigation, the District Commander shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the vessel on the waterway in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this section, unless the necessary alterations shall have been made.

(m) All vessels when passing the bridge shall be moved as expeditiously as is consistent with safe navigation, and all towboats engaged in towing barges or other craft through the bridge shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(n) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower the same and pass under the bridge, if practicable, without signaling for the draw to open.

(o) Vehicles and pedestrians shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(p) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(q) The term District Commander as used in this section shall mean the Commander, 14th Coast Guard District, Honolulu, Hawaii.

(r) The agencies controlling the bridge shall keep a legible copy of the regulations in this section posted conspicuously under glass on both the harbor and channel sides of the bridge in such manner that it can be easily read at all times.

## PART 118—LIGHTING OF BRIDGES

Sec.

118.1 General requirements.
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AUTHORITY: Sec. 4, 34 Stat. 85, as amended, secs. 84, 85, 92, 633, 63 Stat. 500, 501, 503, 545; 33 U.S.C. 494, 14 U.S.C. 84, 85, 92, 633, unless otherwise noted.

SOURCE: 40 FR 24898, June 11, 1975, unless otherwise noted.

### § 118.1 General requirements.

All persons owning, occupying or operating bridges over the navigable waters of the United States shall maintain at their own expense such lights and other signals required for safety of maritime navigation as may be prescribed by the Commandant, and on any international bridge constructed after March 23, 1906, such additional signals as may be prescribed by the Commandant.

### § 118.5 Penalty for failure to maintain.

Any person required to maintain lights and other signals upon any bridge or abutment over or in the navigable waters of the United States who fails or refuses to maintain such lights and other signals, or to obey any of the lawful rules and regulations relating to the same is subject to a penalty as provided in 14 U.S.C. 85.

### § 118.10 Interference or obstruction prohibited.

No person shall obstruct or interfere with any lights or signals maintained in accordance with the regulations prescribed in this part.

### § 118.15 Penalty for interference or obstruction.

Any person violating the provisions of § 118.10 of this chapter shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding $500 for each offense. Each day during which such violation shall continue shall be considered a new offense.

(14 U.S.C. 633; 33 U.S.C. 499, 521; 49 U.S.C. 1655(g); 49 CFR 1.46 (b), (c) (5) and (6); 33 CFR 1.05-1(c)(4))

[40 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 56954, Oct. 31, 1977]

### § 118.20 Obtaining information.

Persons desiring information concerning the marking of bridges shall address their inquiry to the District Commander having jurisdiction over the area concerned, or to the Commandant.

### § 118.25 Application procedure.

Approval of lights and other signals required shall be obtained, prior to construction, from the District Commander of the area in which the structure will be situated. Application shall be by letter accompanied by duplicate sets of drawings showing (a) plan and elevation of the structure showing lights and signals proposed, and (b) small scale vicinity chart showing proposed bridge and all other bridges within 1,000 feet above or below the proposed bridge.

### § 118.30 Action by Coast Guard.

(a) The District Commander receiving the application will review it and approve the lights and other signals proposed, or mark on the drawings, the lights and other signals required, and in the case of lights, cite the applicable section of this chapter which prescribes the lights required for the particular type bridge.

(b) Upon approval, one set of drawings will be returned to the applicant with the notation "navigational lights and/or other signals approved as shown", date, name and title of the District Commander.

### § 118.40 Lighting during bridge construction.

(a) While a bridge is under construction the District Commander having jurisdiction over the area in which the bridge is being built will prescribe the temporary lights and other signals to be displayed for the protection of navigation.

(b) When unusual conditions exist, the District Commander will confer with the District Engineer having jurisdiction over the construction work before prescribing the temporary lights and other signals to be displayed during construction of the bridge.

(c) When the construction of a bridge is completed the permanent lights and other signals approved by the District Commander for the completed bridge shall be displayed.

### § 118.45 Lighting for the protection of aerial navigation.

The owner of a bridge which constitutes a hazard to aerial navigation should maintain, in addition to the lights prescribed in this part, such lights as may be prescribed by the Administrator, Federal Aviation Administration.

(14 U.S.C. 633; 33 U.S.C. 499, 521; 49 U.S.C. 1655(g); 49 CFR 1.46 (b), (c) (5) and (6); 33 CFR 1.05-1(c)(4))

[40 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 56954, Oct. 31, 1977]

### § 118.50 Inspection.

Lights and signals maintained as required by the provisions of this chapter are subject to inspection at any time by the Coast Guard or such agent as may be appointed by the Commandant.

### § 118.55 Periods of operation.

(a) Lights shall be displayed from sunset to sunrise and at other times when the visibility is less than one mile.

(b) Operators shall not be required to exhibit the prescribed lights during seasons when vessels are unable to navigate in the vicinity of the bridge.

(c) The operation of signals other than lights shall be as prescribed by the District Commander. Each case shall be considered individually.

### § 118.60 Visibility of lights.

All lights required by the regulations in this part shall be securely attached to the structure and shall be of sufficient candlepower as to be visible against the background lighting at a distance of at least 2,000 yards 90 percent of the nights of the year. They shall be located as prescribed by the Commandant, with colors and arcs of visibility as specified.

[40 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 56954, Oct. 31, 1977]

### § 118.65 Lights on fixed bridges.

(a) Each fixed bridge span over a navigable channel shall be lighted so that the center of the navigable channel under each span will be marked by a range of two green lights, and each margin of each navigable channel will be marked by a red light: *Provided*, That when a margin of a channel is limited by a pier, only those lights prescribed in paragraph (b) of this section shall be required to mark such channel margin. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the bridge span structure to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacements of existing fixed span navigation lights colored green are made, it is permitted that only one of these lights marking the centerline of the same channel under a span shall be visible to an approaching vessel. When major repairs to or replacement of such existing green lights are made they shall conform with this paragraph.

(b) *Pier lights.* When the navigable channel extends from pier to pier or when piers are located within the navigable channel, each end of such piers shall be lighted with a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely fastened at the end of the pier as low as practicable but not lower than 2 feet above navigable high water to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

(c) *Main channel.* When necessary, the District Commander may prescribe that fixed bridges having two or more spans over a navigable channel shall have the main channel span marked with a set of three white lights arranged in a vertical line directly above each green light on the main channel span. Each white light shall show through a horizontal arc of 180°, and shall be mounted so that ½ of the horizontal arc will show on either side of a line parallel to the axis of the channel. These three white lights shall be securely mounted on the bridge structure and spaced as nearly 15 feet apart as the structure of the bridge will permit, with a minimum spacing of 7 feet. The lowest white light in the line of three lights shall be placed not less than 10 nor more than 15 feet above each green light on the main channel span.

NOTE: Until such time that major repairs to or replacements of existing main channel lights showing white are made, it is permitted that these lights show through a horizontal arc of not less than 60° nor more than 180° with ½ of such arc showing either side of a line parallel to the axis of the main channel. When major repairs or replacement of such existing white lights are made, they shall conform with this paragraph.

(14 U.S.C. 633; 33 U.S.C. 499, 521; 49 U.S.C. 1655(g); 49 CFR 1.46(b), (c)(5) and (6); 33 CFR 1.05-1(c)(4))

[40 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 56954, Oct. 31, 1977]

### § 118.70 Lights on swing bridges.

(a) *Swing span lights on through bridges.* Each swing span of every through swing bridge shall be lighted with three lanterns so that when viewed from an approaching vessel the swing span when closed will display three red lights on top of the span structure, one at each end of the span on the same level and one at the center of the span no less than 10 feet above the other two lights, and when open for navigation will display three green lights on top of the span structure in a line parallel to and directly above the long axis of the span, one at each end of the span on the same level, and one at the center of the span no less than 10 feet above the other two lights. Each lantern shall show through alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be 90° from each other; each light shall be securely mounted with the axis of the green arcs parallel to the long axis of the swing span.

(b) *Swing span lights on deck and half-through bridges.* Each swing span of every deck, half-through, girder, or similar type swing bridge shall be lighted with four lanterns so that when viewed from an approaching vessel the swing span when closed will display one red light at each end, and when open to navigation will display two green lights from each end. Each lantern shall show through one red and two green horizontal arcs of 60° each, the axis of each green arc to be 90° from the axis of the red arc; each light shall be securely mounted at the floor level of the span as near to the side of the span as practicable with the axis of the red light normal to the long axis of the swing span and so that the red light will be visible from an approaching vessel when the span is closed.

(c) *Pier lights.* Every swing bridge shall be lighted so that each end of the piers adjacent to the navigable channel (draw piers) or each end of their protection piers (draw pier protection piers) and each end of the piers protecting the pivot pier (pivot protection pier) will be marked by a red light. Each of these lights shall show through a horizontal arc of 180° and shall be mounted as low as practicable below the floor level of the swing span to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every swing bridge shall be lighted so that the intersection of the bridge axis with each side of the pivot pier and the channel side of each draw pier which has a protection pier will be marked by a red light: *Provided,* That if the draw and draw protection piers are straight along their channel faces these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be mounted on the navigable channel face of the pier as low as practicable below the floor level of the swing span to show 90° either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

(e) *Omission of lights.* Where the permanent navigable channel passes on only one side of the pivot pier of any swing span, the District Commander may authorize the omission of lighting of the unused channel.

### § 118.75 Lights on single-opening drawbridges.

(a) *Bridges in this class.* Bridges of the folding, pontoon and similar type single opening drawbridges are included in this class.

(b) *Draw span lights.* Each draw span of every single opening drawbridge shall be lighted with two lanterns so that when viewed from an approaching vessel the draw span when closed will display two red lights, one at each end of the span and when open to navigation will display two green lights, one at each end of the span. Each lantern shall show alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be located 90° from each other; each lantern shall be securely mounted 15 feet above the roadway with the axis of the green arcs parallel to the long axis of the swing span.

(c) *Pier or abutment lights.* Every swing bridge shall be lighted so that the end of each pier, abutment or fixed portion of the bridge adjacent to the navigable channel through the draw, or each end of the protection piers for such piers, abutments, or fixed portion of the bridge will be marked by a red light. Each red light shall show through an arc of 180°, and shall be securely mounted on the pier, abutment or fixed portion of the bridge as low as practicable to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

### § 118.80 Lights on bascule bridges.

(a) *Lift span lights.* Each lift span of every bascule bridge shall be lighted so that the free end of the span will be marked on each side by a green light which shows only when the span is fully open for the passage of a vessel and by a red light which shows for all other positions of the lift span. Each red and each green light shall show through a horizontal arc of 180°. The lighting apparatus shall be securely mounted to the side of the span so that the light will show equally on either side of a line parallel to the axis of the channels, so that they will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, existing lights may show through a horizontal arc of less than 180°. When major repairs to or replacement of existing lights are made they shall conform with this paragraph.

(b) *Multiple parallel lift span lights.* The outermost side of each outer span of every bascule bridge with parallel multiple lifts shall be lighted as prescribed in paragraph (a) of this section; the lights shall be controlled so that the green lights will be displayed only when all spans are open for navigation. The inner sides of each outer lift span and both sides of each inner lift span of such bascule bridge shall be lighted by red lights for all positions of the lift span. These lights shall have the same arcs of illumination and shall be mounted as described in paragraph (a) of this section.

(c) *Pier lights.* Every bascule bridge shall be lighted so that each end of every pier, or protection pier where provided, in or adjacent to the navigable channels under the lift span or spans will be marked by a red light. Each such red light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or protection pier, to show 90° either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every bascule bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the long axis of the lift span with the channel side of each pier, or protection pier, will be marked by a red light: *Provided,* That if all such piers and protection piers are straight along their channel faces these lights shall not be required. Each such red light shall show through a horizontal arc of 180° and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

### § 118.85 Lights on vertical lift bridges.

(a) *Lift span lights.* The vertical lift span of every vertical lift bridge shall be lighted so that the center of the navigable channel under the span will be marked by a range of two green lights when the vertical lift span is open for navigation, and by one red light on each side for all other positions of the lift span. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the lift span to show 90° on either side of the line parallel to the axis of the channel so that only one such light will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, it is permitted that these lights show through a horizontal arc of not more than 60°. When major repairs to or replacement of such existing lights are made they shall conform with this paragraph.

(b) *Pier lights.* Every vertical lift bridge shall be lighted so that each end of every pier in or adjacent to navigable channels under the lift span, or each end of every protection pier when provided, will be marked by a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or the protection pier, to show 90° on either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(c) *Axis lights.* Every lift bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the lift span axis with the channel side of each pier adjacent to the navigable channel will be marked by a red light: *Provided,* That if every such pier, or protection pier, is straight along its channel face these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

(14 U.S.C. 633; 33 U.S.C. 499, 521; 49 U.S.C. 1655(g); 49 CFR 1.46(b), (c)(5) and (6); 33 CFR 1.05-1(c)(4))

[40 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 56954, Oct. 31, 1977]

### § 118.90 Bridges crossing channel oblique

Bridges crossing a body of water at an angle other than 90° with the axis of the channel shall be lighted in accordance with the regulations in this part with such modifications as are necessary in each particular case.

### § 118.95 Lights on sheer booms.

The lights on sheer booms, isolated piers, and obstructions not part of the bridge or bridge approach structure come under the purview of § 66.01-35 of subchapter C of Title 33 of the Code of Federal Regulations and shall show a white or green light if kept on the left of vessels approaching from seaward, and shall show a white or red light if kept on the right of vessels approaching from seaward. For rivers the same rule shall apply, white or green lights shall be shown from the right descending bank; white or red lights to be shown from the left descending bank. The color of the light and its characteristics (fixed, flashing, occulting, etc.) shall be determined by the District Commander.

### § 118.100 Modification of requirements.

The District Commander may modify or change the requirements for the display of lights and signals on any bridge within the purview of the regulations in this part when a change in local conditions warrant such modification.

### § 118.105 Bridges infrequently used and unusual cases.

Bridges over waterways with no significant nighttime navigation may be exempted from the lighting requirements of this part in whole or in part with the approval of the District Commander. The District Commander may modify the prescribed lights or require special lighting in specific or unusual cases where the lights prescribed in this part may not provide adequately for the safe passage of nighttime navigation.

(14 U.S.C. 633; 33 U.S.C. 499, 521, 49 U.S.C. 1655(g), 33 CFR 1.05-1(c)(4); 49 CFR 1.46(b), 1.46(c)(5)(6))

# SUBCHAPTER K—SECURITY OF VESSELS

## PART 122—SAFETY MEASURES

Sec.

122.01 General.

122.10 Atomic attack instructions for merchant vessels in port.

### § 122.01 General.

The regulations in this part require additional safety precautions for vessels in accordance with § 6.14-1 of this chapter.

(Sec. 1, 40 Stat. 220 as amended 50 U.S.C. 191, E.O. 10173, 15 FR 7005, 3 CFR 1950 Supp.; E.O. 10277, 16 FR 7537, 3 CFR, 1951 Supp. E.O. 10352, 17 FR 4607, 3 CFR, 1952 Supp.)

[CGFR 52-11, 17 FR 2183, Mar. 13, 1952]

### § 122.10 Atomic attack instructions for merchant vessels in port.

A placard (Form CG 3256) containing atomic attack instructions for merchant vessels in port has been prepared for the information and assistance of persons on board merchant vessels. When given to the master of a vessel by the Coast Guard, the placards (Form CG 3256) shall be posted in conspicuous places in the pilothouse, engineroom, and in the seamen's, firemen's, and steward's departments of the vessel.

(Sec. 1, 40 Stat. 220 as amended 50 U.S.C. 191, E.O. 10173, 15 FR 7005, 3 CFR 1950 Supp.; E.O. 10277, 16 FR 7537, 3 CFR, 1951 Supp. E.O. 10352, 17 FR 4607, 3 CFR, 1952 Supp.)

[CGFR 52-11, 17 FR 2183, Mar. 13, 1952]

# SUBCHAPTER L—WATERFRONT FACILITIES; SECURITY ZONES; AND REGULATED NAVIGATION AREAS

## PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

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SOURCE: CGFR 56 15, 21 FR 2940, May 3, 1956, unless otherwise noted.

### § 125.01 Commandant.

The term "Commandant" means Commandant of the Coast Guard.

### § 125.03 District Commander.

The term "District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

### § 125.05 Captain of the Port.

The term "Captain of the Port" means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within the general proximity of the port in which he is situated.

### § 125.06 Western rivers.

The term "western rivers" as used in the regulations in this subchapter shall include only the Red River of the North, the Mississippi River and its tributaries above the Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

[CGFR 57-52, 22 FR 10301, Dec. 20, 1957]

### § 125.07 Waterfront facility.

The term "waterfront facility," as used in this subchapter, means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

### § 125.08 Great Lakes.

The term "Great Lakes" as used in the regulations in this subchapter shall include the Great Lakes and their connecting and tributary waters.

[CGFR 57-52, 22 FR 10301, Dec. 20, 1957]

### § 125.09 Identification credentials.

The term "Identification credentials," as used in this subchapter, means any of the following:

(a) Coast Guard Port Security Card (Form CG 2514).

(b) Merchant Mariner's Document.

(c) Armed Forces Identification Card.

(d) Identification credentials issued by Federal Law enforcement and intelligence agencies to their officers and employees (e. g., Department of the Treasury, Department of Justice, Federal Communications Commission).

(e) Identification credentials issued to public safety officials (e. g., police, firemen) when acting within the scope of their employment.

(f) Such other identification as may be approved by the Commandant from time to time.

[CGD 56-15, 21 FR 2940, May 3, 1956, as amended by CGD 77-228, 43 FR 53427, Nov. 16, 1978]

### § 125.11 Form of Coast Guard Port Security Card.

The Coast Guard Port Security Card issued by the Coast Guard under the provisions of this subchapter shall be a laminated card bearing photograph, signature, fingerprint, and personal description of the holder, and other pertinent data.

### § 125.12 Period of validity of Coast Guard Port Security Cards.

(a) The Coast Guard Port Security Card (Form CG-2514) shall be valid for a period of eight years from the date of issuance thereof unless sooner suspended or revoked by proper authority. On the first day after eight years from the date of issuance, the Coast Guard Port Security Card (Form CG-2514) is hereby declared invalid and shall be considered null and void for all purposes.

(b) The holder of a Coast Guard Port Security Card, which is about to expire or has expired, may apply for a new Coast Guard Port Security Card in accordance with the procedures set forth in § 125.21. In the event the applicant's Coast Guard Port Security Card has expired, such card shall accompany the application for a new Coast Guard Port Security Card. In the event the applicant is holding a valid Coast Guard Port Security Card at the time he submits his application for a new card, such person shall surrender the old or expired Coast Guard Port Security Card at the time he is issued a new Coast Guard Port Security Card. In the event the old Coast Guard Port Security Card was lost, stolen, or destroyed, then the applicant shall comply with the provisions in § 125.51, regarding the replacement of a lost Coast Guard Port Security Card and the new card issued as a replacement for a lost card which has expired or is about to expire shall bear a current issuance date.

[CGFR 58-52, 23 FR 9751, Dec. 18, 1958]

### § 125.13 Captain of the Port Identification Cards.

Captain of the Port Identification Cards issued under the form designation "Form CG 2514" prior to the revision of August 1950 were declared invalid by a notice published in the FEDERAL REGISTER on September 11, 1946 (11 FR 10103), which declaration is hereby reaffirmed.

### § 125.15 Access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein.

(a) The Commandant will, from time to time, direct Captains of the Port of certain ports to prevent access of persons who do not possess one or more of the identification credentials listed in § 125.09 to those waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, where the following shipping activities are conducted:

(1) Those vital to the Military Defense Assistance Program.

(2) Those pertaining to the support of U.S. military operations.

(3) Those pertaining to loading and unloading explosives and other dangerous cargo.

(4) Those essential to the interests of national security and defense, to prevent loss, damage or injury, or to insure the observance of rights and obligations of the United States.

(b) No person who does not possess one of the identification credentials aforesaid shall enter or remain in such facilities, or port or harbor areas, including vessels and harbor craft therein.

(c) The Captain of the port shall give local public notice of the restriction of access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, as far in advance as practicable, and shall cause such facilities and areas to be suitably marked as to such restriction.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

### § 125.17 Persons eligible for Coast Guard Port Security Cards.

(a) Only the following persons may be issued Coast Guard Port Security Cards:

(1) Persons regularly employed on vessels or on waterfront facilities.

(2) Persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities.

(b) A holder of a Merchant Mariner's Document shall not be issued a Port Security Card, unless his Merchant Mariner's Document is surrendered to the Coast Guard. In this connection, see § 125.09.

[CGFR 62-39, 27 FR 11259, Nov. 15, 1962, as amended by CGD 77-228, 43 FR 53427, Nov. 16, 1978]

### § 125.19 Standards.

Information concerning an applicant for a Coast Guard Port Security Card, or a holder of such card, which may preclude a determination that his character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, shall relate to the following:

(a) Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means.

(b) Commission of, or attempts or preparations to commit, an act of espionage, sabotage, sedition or treason, or conspiring with, or aiding or abetting another to commit such an act.

(c) Performing, or attempting to perform, duties or otherwise acting so as to serve the interests of another government to the detriment of the United States.

(d) Deliberate unauthorized disclosure of classified defense information.

(e) [Reserved]

(f) Having been adjudged insane, having been legally committed to an insane asylum, or treated for serious mental or neurological disorder, without evidence of cure.

(g) Having been convicted of any of the following offenses, indicative of a criminal tendency potentially dangerous to the security of such waterfront facilities and port and harbor areas, including vessels and harbor craft therein; arson, unlawful trafficking in drugs, espionage, sabotage, or treason.

(h) Drunkenness on the job or addiction to the use of narcotic drugs, without adequate evidence of rehabilitation.

(i) Illegal presence in the United States, its territories or possessions; having been found finally subject to deportation order by the United States Immigration and Naturalization Service.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by 37 FR 23422, Nov. 3, 1972]

### § 125.21 Applications.

(a)(1) Application for a Coast Guard Port Security Card shall be made under oath in writing and shall include applicant's answers in full to inquiries with respect to such matters as are deemed by the Commandant to be pertinent to the standards set forth in § 125.19, and to be necessary for a determination whether the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States.

(2) The application also shall include applicant's complete identification, citizenship record, personal description, military record, if any, and a statement of the applicant's sponsor certifying the applicant's employment or union membership and that appli-

cant's statements are true and correct to the best of sponsor's knowledge.

(3) The application shall be accompanied by two unmounted, dull finish photographs, 1 inch x $1\frac{15}{16}$ inches, of passport type, taken within one year of the date of application. The photograph shall show the full face with the head uncovered and shall be a clear and satisfactory likeness of the applicant. It shall portray the largest image of the head and upper shoulders possible within the dimensions specified.

(4) Fingerprint records on each applicant shall be taken by the Coast Guard at the time application is submitted.

(5) The applicant shall present satisfactory proof of his citizenship.

(6) The applicant shall indicate the address to which his Coast Guard Port Security Card can be delivered to him by mail. Under special circumstances the applicant may arrange to call in person for the Coast Guard Port Security Card.

(7) The applicant shall present his application, in person, to a Coast Guard Port Security Unit designated to receive such applications. Such units will be located in or near each port where Coast Guard Port Security Cards are required. Each Captain of the Port shall forward promptly to the Commandant each application for a Coast Guard Port Security Card received by him.

(b) If an applicant fails or refuses to furnish the required information or to make full and complete answer with respect to all matters of inquiry, the Commandant shall hold in abeyance further consideration of the application, and shall notify the applicant that further action will not be taken unless and until the applicant furnishes the required information and fully and completely answers all inquiries directed to him.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

### § 125.23 United States citizens.

Acceptable evidence of United States citizenship is described in this section in the order of its desirability; however, the Coast Guard will reject any evidence not believed to be authentic:

(a) Birth certificate or certified copy thereof.

(b) Certificate of naturalization. This shall be presented by all persons claiming citizenship through naturalization.

(c) Baptismal certificate or parish record recorded within one year after birth.

(d) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date and place of birth.

(e) United States passport.

(f) A commission in one of the armed forces of the United States, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of the armed forces subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(g) A continuous discharge book, or Merchant Mariner's Document issued by the Coast Guard which shows the holder to be a citizen of the United States.

(h) If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship if no one of the requirements in paragraphs (a) to (g) of this section can be met by the applicant and in the absence of any collateral facts indicating fraud in its procurement.

(i) If no one of the requirements in paragraphs (a) to (h) of this section can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Suitland, Md. 20233. In making such request, definite information must be furnished the Census Bureau as to the place of residence when the first census was taken after the birth of the applicant, giving the name of the street and the number of the house, or other identification of place where living, etc.; also names of parents or the names of

other persons with whom residing on the date specified.

(2) School records, immigration records, or insurance policies (the latter must be at least 10 years old).

### § 125.25 Aliens.

Alien registration records together with other papers and documents which indicated the country of which the applicant is a citizen shall be accepted as evidence of citizenship in a foreign nation.

### § 125.27 Sponsorship of applicant.

Applications for a Coast Guard Port Security Card shall not be accepted unless sponsored. The applicant shall be sponsored by an authorized official of applicant's employer or by an authorized official of applicant's labor union. Each company and each labor union concerned shall file with the appropriate Captain of the Port a list of officials of the company or union who are authorized to sponsor applicants. Other sponsorship may be accepted where the circumstances warrant.

### § 125.29 Insufficient information.

(a)(1) If, in the judgment of the Commandant, an application does not contain sufficient information to enable him to satisfy himself that the character and habits of life of the applicant are such to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft herein, would not be inimical to the security of the United States, the Commandant may require the applicant to furnish, under oath in writing or orally, such further information as he deems pertinent to the standards set forth in § 125.19 and necessary to enable him to make such a determination.

(2) If an applicant fails or refuses to furnish such additional information, the Commandant shall hold in abeyance further consideration of the application, and shall notify the applicant that further action will not be taken unless and until the applicant furnishes such information.

(b) Upon receipt, the application and such further information as the Commandant may have required shall be referred, except in those instances where action on an application is held in abeyance pursuant to § 125.21(b) or to paragraph (a)(2) of this section, to a committee composed of a representative of the Legal Division, of the Merchant Vessel Personnel Division and of the Intelligence Division, Coast Guard Headquarters. The committee shall prepare an analysis of the available information and shall make recommendations for action by the Commandant.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

### § 125.31 Approval of applicant by Commandant.

(a) If the Commandant is satisfied that the character and habits of life of the applicant are not such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would be inimical to the security of the United States, he will direct that a Coast Guard Port Security Card be issued to the applicant.

(b) If the Commandant is not satisfied that the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will notify the applicant in writing as provided for in § 125.35.

### § 125.33 Holders of Coast Guard Port Security Cards.

(a) Whenever the Commandant is not satisfied that the character and habits of life of a holder of a Coast Guard Port Security Card are such as to warrant the belief that his presence on waterfront facilities and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will request the holder to furnish, under oath in writing, such information as he deems pertinent and necessary for a determination on this issue.

(b) If the holder fails or refuses to furnish such information within thirty (30) days after receipt of the Commandant's request, the Commandant may issue the written notice provided for in § 125.35(a).

(c) The holder's failure or refusal to furnish such information shall preclude a determination that the holder's character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States.

(d) Upon receipt of such information as the Commandant may have required, the procedure prescribed in § 125.29(b) shall be followed.

(e) If the Commandant is satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder accordingly.

(f) If the Commandant is not satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder in writing as provided for in § 125.35.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

### § 125.35 Notice by Commandant.

(a) The notice provided for in §§ 125.31 and 125.33 shall contain a statement of the reasons why the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States. Such notice shall be as specific and detailed as the interests of national security shall permit and shall include pertinent information such as names, dates, and places in such detail as to permit reasonable answer.

(b) The applicant or holder shall have 20 days from the date of receipt of the notice of reasons to file written answer thereto. Such answer may include statements or affidavits by third parties or such other documents or evidence as the applicant or holder deems pertinent to the matters in question.

(c) Upon receipt of such answer the procedure prescribed in § 125.29(b) shall be followed.

(d) If the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(e) If the Commandant is not satisfied that the applicant's or holder's character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall refer the matter to a Hearing Board for hearing and recommendation in accordance with the provisions of this part.

### § 125.37 Hearing Boards.

The Commandant may establish a Hearing Board in each Coast Guard District. The Commandant shall designate for each Hearing Board a Chairman, who shall be, so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a second member from a panel of persons representing labor named by the Secretary of Labor, and a third member from a panel of persons representing management named by the Secretary of Labor.

### § 125.39 Notice by Hearing Board.

Whenever the Commandant refers a matter to a Hearing Board, the Chairman shall:

(a) Fix the time and place of the hearing;

(b) inform the applicant or holder of the names of the members of the

Hearing Board, their occupations, and the businesses or organizations with which they are affiliated, of his privilege of challenge, and of the time and place of the hearing;

(c) Inform the applicant or holder of his privilege to appear before the Hearing Board in person or by counsel or representative of his choice, and to present testimonial and documentary evidence in his behalf, and to cross-examine any witnesses appearing before the Board; and

(d) Inform the applicant or holder that if within 10 days after receipt of the notice he does not request an opportunity to appear before the Hearing Board, either in person or by counsel or representative, the Hearing Board will proceed without further notice to him.

### § 125.41 Challenges.

Within five days after receipt of the notice described in § 125.39 the applicant or holder may request disqualification of any member of the Hearing Board on the grounds of personal bias or other cause. The request shall be accompanied by an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. The affidavit may be supplemented by an oral presentation if desired. If after due consideration the Chairman believes a challenged member is qualified notwithstanding the challenge, he shall notify the person who made the challenge and arrange to proceed with the hearing. If the person who made the challenge takes exception to the ruling of the Chairman, the exception and data relating to the claim of disqualification shall be made a matter of record. If the Chairman finds that there is reasonable ground for disqualification he shall furnish the person who made the challenge with the name of an alternate in lieu of the challenged member and arrange to proceed with the hearing. In the event the Chairman is challenged, he shall forthwith notify the Commandant, furnishing the grounds for the claim of disqualification, and the Commandant shall act upon the challenge in accordance with the foregoing procedure. In addition to the right to challenge for cause, a person who has requested a hearing shall have two peremptory challenges, one challenge for the management member and one challenge for the labor member of the Hearing Board. Should the management member be so challenged, the person who made the challenge may elect to have the management member replaced by another management member or by a member not representing either management or labor; if the member peremptorily challenged represents labor, the person who made the challenge may elect to have the labor member replaced by another labor member or by a member not representing either management or labor.

### § 125.43 Hearing procedure.

(a) Hearings shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum and shall be expedited as much as possible.

(b) The hearing shall be in open or closed session at the option of the applicant or holder.

(c) Testimony before the Hearing Board shall be given under oath or affirmation.

(d) The Chairman of the Hearing Board shall inform the applicant or holder of his right to:

(1) Participate in the hearing;

(2) Be represented by counsel of his choice;

(3) Present witnesses and offer other evidence in his own behalf and in refutation of the reasons set forth in the Notice of the Commandant; and

(4) Cross-examine any witnesses offered in support of such reasons.

(e) Hearings shall be opened by the reading of the Notice of the Commandant and the answer thereto. Any statement and affidavits filed by the applicant or holder may be incorporated in the record by reference.

(f) The Hearing Board may, in its discretion, invite any person to appear at the hearing and testify. However, the Board shall not be bound by the testimony of such witness by reason of having called him and shall have full right to cross-examine the witness. Every effort shall be made to produce material witnesses to testify in support of the reasons set forth in the Notice of the Commandant, in order that such witnesses may be confronted and cross-examined by the applicant or holder.

(g) The applicant or holder may introduce such evidence as may be relevant and pertinent. Rules of evidence shall not be binding on the Hearing Board, but reasonable restrictions may be imposed as to the relevancy, competency and materiality of matters considered. If the applicant or holder is, or may be, handicapped by the nondisclosure to him of confidential sources, or by the failure of witnesses to appear, the Hearing Board shall take the fact into consideration.

(h) The applicant or holder or his counsel or representative shall have the right to control the sequence of witnesses called by him.

(i) The Hearing Board shall give due consideration to documentary evidence developed by investigation, including membership cards, petitions bearing the applicant's or holder's signature, books, treatises or articles written by the applicant or holder and testimony by the applicant or holder before duly constituted authority.

(j) Complete verbatim stenographic transcription shall be made of the hearing by qualified reporters and the transcript shall constitute a permanent part of the record. Upon request, the applicant or holder or his counsel or representative shall be furnished, without cost, a copy of the transcript of the hearing.

(k) The Board shall reach its conclusion and base its determination on information presented at the hearing, together with such other information as may have been developed through investigation and inquiries or made available by the applicant or holder.

(l) If the applicant or holder fails, without good cause shown to the satisfaction of the chairman, to appear personally or to be represented before the Hearing Board, the Board shall proceed with consideration of the matter.

(m) The recommendation of the Hearing Board shall be in writing and shall be signed by all members of the Board. The Board shall forward to the Commandant, with its recommendation, a memorandum of reasons in support thereof. Should any member be in disagreement with the majority a dissent should be noted setting forth the reasons therefor. The recommendation of the Board, together with the complete record of the case, shall be sent to the Commandant as expeditiously as possible.

### § 125.45 Action by Commandant.

(a) If, upon receipt of the Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall:

(1) In the case of an applicant, notify him that a Coast Guard Port Security Card will not be issued to the applicant, or,

(2) In the case of a holder, revoke and require the surrender of his Coast Guard Port Security Card.

(c) Such applicant or holder shall be notified of his right, and shall have 20 days from the receipt of such notice within which, to appeal under this part.

### § 125.47 Appeals.

(a) The Commandant shall establish at Coast Guard Headquarters, Washington, D.C., an Appeal Board to hear appeals provided for in this part. The Commandant shall designate for the Appeal Board a Chairman, who shall be so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a member from a panel of persons representing management nominated by the Secretary of Labor, and a member from a panel of persons representing labor nominated by the Secretary of Labor. The Commandant shall insure that persons designated as Appeal Board members have suitable security clearance. The Chairman of the Appeal Board shall make all arrangements incident to the business of the Appeal Board.

(b) If an applicant or holder appeals to the Appeal Board within 20 days after receipt of notice of his right to appeal under this part, his appeal shall be handled under the same procedure as that specified in § 125.39, and the privilege of challenge may be exercised through the same procedure as that specified in § 125.41.

(c) Appeal Board proceedings shall be conducted in the same manner as that specified in § 125.43.

### § 125.49 Action by Commandant after appeal.

(a) If, upon receipt of the Appeal Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Appeal Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall notify the applicant or holder that his appeal is denied.

### § 125.51 Replacement of lost Coast Guard Port Security Card.

(a) Any person whose Coast Guard Port Security Card has been stolen, lost, or destroyed shall report that fact to a Coast Guard Port Security Unit or Captain of the Port as soon thereafter as possible.

(b) A person who has lost a Coast Guard Port Security Card may apply for a replacement card by submitting "An Application for Replacement of Lost Port Security Card" (Form CG 2685A) to a Coast Guard Port Security Unit. A replacement will be issued only after a full explanation of the loss of the Coast Guard Port Security Card is made in writing to the Coast Guard and after a full check is made and authorization is granted by the Commandant.

(c) Any person to whom a Coast Guard Port Security Card has been issued as a replacement for a lost card, shall immediately surrender the original card to the nearest Coast Guard Port Security Unit or Captain of the Port if the original card should be recovered.

### § 125.53 Requirements for credentials; certain vessels operating on navigable waters of the United States (including the Great Lakes and Western Rivers).

(a) Every person desiring access to vessels, except public vessels, falling within any of the categories listed below, as a master, person in charge, or member of the crew thereof, shall be required to be in possession of one of the identification credentials listed in § 125.09.

(1) Towing vessels, barges, and lighters operating in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(2) Harbor craft, such as water taxis, junk boats, garbage disposal boats, bum boats, supply boats, repair boats, and ship cleaning boats, which in the course of their normal operations service or contact vessels, foreign or domestic, public or merchant, in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(b) The term "master, person in charge, or member of the crew" shall be deemed to include any person who serves on board in any capacity concerned with the operation, maintenance, or administration of the vessel or its cargo.

(c) Where the Coast Guard Port Security Card (Form CG 2514) is to be used as the identification required by paragraph (a) of this section, application for such card may be made immediately by the persons concerned. The issuance of the Coast Guard Port Security Card shall be in the form and manner prescribed by § 125.11.

(d) At the discretion of the District Commander any person desiring access to vessels of the categories named in this section, who may be required by the provisions hereof to possess identification credentials, may be furnished a letter signed by the District Commander or the Captain of the Port and this letter shall serve in lieu of a Coast Guard Port Security Card and will authorize such access for a period not to exceed 60 days, and such a letter issued shall be deemed to be satisfactory identification within the meaning of § 125.09. The issuance of the letter shall be subject to the following conditions:

(1) The services of the person are necessary to avoid delay in the operation of the vessel;

(2) The person does not possess one of the identification credentials listed in § 125.09.

(3) The person has filed his application for a Coast Guard Port Security Card or submits his application before the letter is issued; and,

(4) The person has been screened by the District Commander or Captain of the Port and such officer is satisfied concerning the eligibility of the applicant to receive a temporary letter.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by CGFR 58-51, 21 FR 9339, Nov. 30, 1956]

### § 125.55 Outstanding Port Security Card Applications.

A person who has filed an application for a Coast Guard Port Security Card and who did not receive such a document prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

[CGFR 61-54, 26 FR 11862, Dec. 12, 1961]

### § 125.57 Applications previously denied.

A person who has been denied a Coast Guard Port Security Card before May 1, 1956, may file a new application for such a document in accordance with the requirements of this part.

## PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

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AUTHORITY: 92 Stat. 1475 (Ports and Waterways Safety Act, as amended, 33 USC 1225); 49 CFR 1.46(n)(4), unless otherwise noted.

### § 126.01 General definitions.

"Commandant" means the Commandant of the United States Coast Guard.

"Captain of the Port (COTP)" means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within an assigned area.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

"Net tons" means the net weight of a materials in tons.

"Net weight" means a measure of weight referring only to the contents of a package, tank or container and does not include the weight of any packaging material, or containing devices.

"Waterfront facility" means all piers, wharves, docks, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures or contiguous to them and equipment and materials on such structures or in such buildings. This term does not include facilities directly operated by the Department of Defense.

[CGD 78-023, 44 FR 4642, Jan. 22, 1979]

### § 126.05 Designated waterfront facility.

(a) Designated waterfront facility. The term "designated waterfront facility" means a waterfront facility designated by § 126.13 for the handling and storage of, and for vessel loading and discharging of: any flammable or combustible liquid in bulk (46 CFR Parts 30-38); any hazardous material subject to the Dangerous Cargoes Regulations in 46 CFR Parts 146 and 148; and any hazardous material subject to the Hazardous Materials Regulations (49 CFR Parts 170-179), except for those materials preceded by an "A" in the Hazardous Materials Table, 49 CFR Part 172.101.

(b) "Facility of particular hazard" means a designated waterfront facility that is authorized to handle a cargo of particular hazard, as defined in § 126.10.

(Sec. 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 78-023, 44 FR 4642, Jan. 22, 1979, as amended by CGD 75-238, 44 FR 63675, Nov. 5, 1979]

### § 126.07 Dangerous cargo.

The term "dangerous cargo" means all explosives and other hazardous materials or cargo covered by—

(a) Dangerous Cargoes, 46 CFR Parts 146 and 148;

(b) Tank Vessels, 46 CFR Parts 30-38; or

(c) Hazardous Materials, 49 CFR Parts 170-179, except for those materials preceded by an "A" in the hazardous Materials Table, 49 CFR 172.101.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

### § 126.09 Designated dangerous cargo.

The term "designated dangerous cargo" means Explosives (commercial or military), Class A, as classified in 46 CFR Part 146 and 49 CFR Part 172.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

### § 126.10 Cargo of particular hazard.

"Cargo of particular hazard" means any of the following:

(a) Class A explosive as defined in 46 CFR 146.20-7 and 49 CFR 173.53.

(b) Oxidizing material or blasting agent for which a permit is required under 49 CFR 176.415.

(c) Large quantity radioactive material, as defined in 49 CFR 173.389(b), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.389(a)(3).

(d) The following cargoes when carried in bulk:

Acetaldehyde
Acetone Cyanohydrin
Acrylonitrile
Allyl Chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethyl Ether
Methane
Methyl Acetylene, Propadiene Mixture, Stabilized
Methyl Bromide
Methyl Chloride

Motor Fuel Antiknock Compounds Containing Lead Alkyls
Oleum
Phosphorous, Elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride
Vinyl Ethyl Ether.

(Sec. 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 75-238, 44 FR 63675, Nov. 5, 1979]

### § 126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in Sections 126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

### § 126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in § 126.15, unless waived under provisions of § 126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section in hereby prohibited, and violation of this prohibition will subject the violator to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act (33 U.S.C. § 1232).

[CGFR 57-52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78-023, 44 FR 4643, Jan. 22, 1979]

### § 126.15 Conditions for designation as designated waterfront facility.

The conditions referred to in § 126.13 for designation of a waterfront facility for the purpose of handling, storing, stowing, loading, discharging, or transporting of dangerous cargo shall be as follows:

(a) *Guards.* That guards are provided by the owner or operator of the waterfront facility for the protection thereof in such numbers and of such qualifications as to assure adequate surveillance, prevent unlawful entrance, detect fire hazards, and check the readiness of protective equipment.

(b) *Smoking.* That smoking is prohibited on the waterfront facility except at such portions thereof as may be designated by the owner or operator thereof: *Provided,* That smoking in such areas shall only be permitted in accordance with local ordinances and regulations and that signs are conspicuously posted marking such authorized smoking areas and that "No Smoking" signs are conspicuously posted elsewhere on the waterfront facility.

(c) *Welding or hot work.* Oxyacetylene or similar welding or burning or other hot work including electric welding or the operation of equipment is prohibited on waterfront facilities or on vessels moored thereto, during the handling, storing, stowing, loading, discharging, or transporting of explosives. Such work may not be conducted on waterfront facilities or vessels moored thereto while either the facility or vessel is handling, storing, stowing, loading, discharging, or transporting dangerous cargo without the specific approval of the Captain of the Port.

(d) *Trucks and other motor vehicles.* That trucks and other motor vehicles are not permitted to remain or park upon the waterfront facility except under the following conditions:

(1) When actually awaiting opportunity to load or discharge cargo, ship

supplies, or passengers and is attended by a driver.

(2) When loading or discharging tools, equipment or materials incident to maintenance, repair, or alterations and is attended by a driver.

(3) When the vehicle is headed toward an unimpeded exit and is attended by a driver.

(4) When a vehicle is handled and stored as an item of cargo.

(5) When parking areas are designated and permitted in accordance with local ordinances and regulations and provided no fire lanes are blocked nor exits impeded by their presence, passenger vehicles may be parked in such portions of the waterfront facility as may be designated and marked off by the owner or operator.

(e) *Pier automotive equipment.* That tractors, stackers, lift trucks, hoisters and other equipment driven by internal combustion engines used on the waterfront facility are of such construction and condition and free from excess grease, oil, or lint as not to constitute a fire hazard; that each unit of such equipment is provided with an approved type fire extinguisher attached, except where waterfront facilities are provided with fire extinguishers approved by the Captain of the Port, as being adequate in numbers, type and location for additional protection of pier automotive equipment; that, when not in use, such equipment is stored in a safe manner and location; that gasoline or other fuel used for such equipment is stored and handled in accordance with accepted safe practices and is not stored on the waterfront facility, except in conformity with paragraph (g) of this section; and that refueling of such equipment or any vehicle is prohibited on any pier or wharf within the waterfront facility.

(f) *Rubbish and waste materials.* That the waterfront facility is free from rubbish, debris, and waste materials. Burning rubbish in an open fire on a waterfront facility is prohibited.

(g) *Maintenance stores and supplies.* That supplies classified as dangerous by the provisions of the Hazardous Materials Regulations (49 CFR 170-179) except those materials preceded by an "A" in the Hazardous Materials Table, 49 CFR 172.101, to be used in connection with operation or maintenance of the property or facility, are not stored on any pier or wharf within the waterfront facility and are not stored elsewhere on the waterfront facility except in amounts necessary for normal current operating conditions; that these supplies are stored in a compartment remote from combustible material, constructed so as to be readily accessible and provide safe storage; that storage compartments are kept clean and maintained free of scrap materials, empty containers, soiled wiping rags, waste, and other debris; that covered metal containers are provided for disposal of used wiping cloths and are emptied at the end of each working day; and that clothing lockers are maintained clean and orderly and properly ventilated.

(h) *Electric wiring.* That new installations of electric wiring and equipment are made in accordance with accepted safe practices (conformity with the requirements of the National Electric Code (current edition) and the requirements of applicable local regulations shall be deemed evidence of compliance with such accepted safe practices); that materials, fittings, and devices are of type and character approved for the intended use by Underwriters Laboratories, Inc., Associated Factory Mutual Laboratories, or United States National Bureau of Standards; that existing electric wiring is maintained in a safe condition, free of defects or modifications which may cause fire or personal injury; that defective or dangerous wiring, equipment, and devices are permanently disconnected from sources of energy.

(i) *Heating equipment and open fires.* That heating equipment is safely installed and maintained in good operating condition; that adequate clearances to prevent undue heating of nearby combustible materials are maintained between heating appliances, chimneys, stove pipes, gas vents, or other heat producing elements, and any combustible materials of the floor, walls, partitions or roofs; that in general, clearances are such that continuous operation of the heat producing device at full capacity will not increase the temperature of nearby woodwork more than 90° above the ambient temperature; that, where necessary to prevent contact with movable combustible materials, heating appliances are enclosed or screened; that spark arresters are provided on chimneys or appliances burning solid fuel used in locations where sparks constitute a hazard to nearby combustible materials. Open fires or fires in barrels, drums, or similar apparatus are prohibited. (As a guide to safe installation of heating equipment, the appropriate chapters of the National Board of Fire Underwriters Building Code (current edition) are recommended.)

(j) *Fire extinguishing equipment.* That fire extinguishing appliances are made available in adequate quantities, locations, and types; that first aid fire appliances are installed and maintained in accordance with accepted safe practices (conformity with the requirements prescribed in the current "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers," issued by the National Fire Protection Association, shall be deemed evidence of compliance with such accepted safe practices); that fire extinguishing equipment, fire alarm systems and devices, and fire doors and other safety equipment are maintained in good operating condition at all times; that provision is made so that, when hazards arise which require such precaution, emergency hose lines will be led out and other emergency fire-fighting equipment will be placed immediately adjacent to such hazards.

(k) *Marking of fire appliance locations.* That the locations of all fire appliances, including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes, are conspicuously marked; and that ready accessibility to such appliances is maintained.

(l) *Lighting.* That subject to applicable dimout and blackout regulations, such waterfront facility is adequately illuminated during the handling, storing, stowing, loading, discharging or transporting of dangerous cargo thereon; and that kerosene and gasoline lamps and lanterns are not used on such waterfront facility.

(m) *Arrangement of cargo, freight, merchandise or material.* That cargo, freight, merchandise or material is arranged on the waterfront facility according to the individual structure of such facility, in a manner to permit complete access for the purpose of fire extinguishment; that, except on facilities used primarily for the transfer of railroad or highway vehicles to or from cargo vessels and carfloats; cargo, freight, merchandise or other material is placed on the waterfront facility in accordance with the following:

(1) At least two feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material piles and both sides of the walls of the waterfront facility, fire walls or fire stops in enclosed waterfront facilities. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are part of the structure. In an unenclosed facility, 2 feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise or other materials and the sides of the pier.

(2) Inflammable or combustible cargo, freight, merchandise or material, not including bulk cargo, shall not be tiered higher than 12 feet. All cargo, freight, merchandise or other materials including inflammable or combustible cargo, freight, merchandise or materials shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural members of not less than 36", and between such upper level and sprinkler heads a clearance of at least 12" shall be maintained.

(3) There shall be maintained at least four feet of clear and open operating space around any fire alarm box, standpipe, fire hose, sprinkler valve, fire door, deck hatch, or first-aid fire appliance.

(4) When first-aid fire appliances, alarm boxes, other safety equipment or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other materials, there

shall be maintained a straight, free, and open space at least three feet in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(5) A main aisle of at least twenty feet in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to eight feet in width if such access by fire trucks is not required.

(6) Cross aisles, at least five (5) feet wide and straight shall be maintained at intervals not exceeding seventy-five (75) feet, and extending to the side of the waterfront facility.

(n) *Adequacy of guarding, fire extinguishing equipment, and lighting.* That the word "adequate", as used in paragraphs (a), (j), and (l) of this section with respect to guarding, fire extinguishing equipment, and lighting, respectively, means that determination which a reasonable person would make under the circumstances of the particular case. Unless there is gross noncompliance, the judgment and determination of the operator of the facility will be acceptable as fulfilling the requirements unless and until the Captain of the Port inspects the facility and notifies the operator thereof in writing in what respect the guarding, fire extinguishing equipment, or lighting, is deemed inadequate and affords such operator an opportunity to correct the deficiency.

(o) *Control of liquid cargo transfer systems.* When performing bulk liquid and liquefied gas dangerous cargo transfer operations, the waterfront facility cargo transfer system shall be subject to the following conditions:

(1) The cargo transfer system in use shall be under the continuous control and surveillance of the waterfront facility owner or operator or his assigned representative, who shall be considered as the person in charge of the shoreside transfer operation. The person in charge of the shoreside transfer operation must be trained in, and capable of performing competently, the necessary operations which relate to the transfer of the specific cargo. The Captain of the Port shall be furnished satisfactory documentary evidence to this effect.

(2) Prior to the transfer of cargo, the person in charge of the shoreside transfer operation shall insure that the following conditions exist:

(i) Warning signs are displayed on the facility at the point of transfer facing shoreline and facing each way along the shoreline, without obstruction, at all times during the coupling, transfer operation, and uncoupling. The warning signs chall conform to 46 CFR 151.45-2(e)(1) or 46 CFR 153.955.

(ii) Proper precautions are taken to insure that no repair work on the transfer system or receiving tanks is carried on during cargo transfer, and that the provisions of paragraph (c) of this section are complied with.

(iii) Where fixed sumps or troughs are not installed, adequate pans or buckets are placed under cargo hose connections during coupling, uncoupling, and cargo transfer.

(iv) Suitable material is used in joints and in couplings when making connections to insure that they are tight and leak free.

(v) Sufficient bolts are used in bolted couplings to prevent leakage.

(vi) That the person in charge of transfer operations on the vessel (including a barge), tank car or tank truck reports ready for transfer of cargo.

(vii) Has in his possession a cargo information card for the specific cargo to be transferred. The information card shall conform to the specifications of 46 CFR 151.45-2(e)(3) (unmanned barges) or 46 CFR 153.907 (self-propelled vessels) and shall list all of the following items:

(A) Cargo identification characteristics.

(B) Emergency procedures.

(C) Firefighting procedures.

(viii) Obtains a Declaration of Inspection from tank ships and assures himself that the condition of the vessel is as stated in the Declaration of Inspection in accordance with 46 CFR 35.35-30.

(3) When transferring cargo to or from a vessel (including a barge), tank car, or tank truck, the person in charge of the shoreside transfer operation in addition to complying with

the provisions of paragraph (o)(2) of this section shall maintain a means of communications with the person in charge of transfer operations on board the vessel (including a barge), tank car, or tank truck, in order to provide immediate notification to secure the transfer system and cargo flow when necessary. Such communication may be by vocal, visual, or electronic means. If electronic means are used, the equipment shall be suitable for the hazard involved.

(4) The person in charge of the shoreside transfer system shall not start cargo transfer operations or, if started, shall discontinue transfer under any of the following conditions:

(i) During severe electrical storms.

(ii) If a fire occurs on the facility or in the vicinity.

(iii) If a break occurs in the cargo transfer system.

(iv) If requested by the person in charge of the receiving end of the transfer operation.

(5) The person in charge of the shoreside transfer operation shall control the shoreside operation as follows:

(i) When transferring cargo from a facility:

(A) Supervise the operation of cargo system valves;

(B) Notify the person in charge of the receiving end of the transfer that the facility is ready to start the transfer;

(C) In coordination with the person in charge of the receiving end of the transfer operation, start the transfer of cargo slowly;

(D) Maintain cargo connections to prevent leakage;

(E) Observe operating pressure in the cargo system; and

(F) Stand ready to secure the transfer system when necessary or when requested to do so by the person in charge of the receiving end of the transfer operation.

(ii) When transferring cargo from a vessel (including a barge), tank car, or tank truck to the facility:

(A) Supervise the operation of cargo system valves;

(B) Maintain cargo connections to prevent leakage;

(C) Observe rate of flow for the purpose of avoiding overflow of tanks or overload of the transfer system; and

(D) Secure the transfer system only after advising the person in charge of transfer operations aboard the vessel (including a barge), tank car, or tank truck of intent to do so.

(6) When transfer operations are completed, the hoses on the waterfront facility shall be drained and the piping shall be secured to prevent cargo spillings.

(7) Cargo handling equipment shall be maintained in good operating condition at all times.

(i) Cargo hose shall not be used in a transfer operation in which the pressure is such that leakage of cargo occurs through the body of the hose.

(ii) Cargo pump systems shall be tested at least once each year to determine that they function satisfactorily at or below the maximum allowable pressure of the safety relief valves, cargo piping or hose, or maximum pump output pressure.

(iii) Cargo pump pressure gages shall be calibrated at least once a year.

(iv) The cargo hose and piping shall be hydrostatically tested at least once each year to 1½ times its maximum allowable working pressure. The maximum allowable working pressure shall be stenciled on the cargo hoses and piping.

(v) Cargo hose shall not be used with a cargo piping system whose maximum allowable working pressure exceeds that of the hose. The maximum allowable working pressure of a system is defined as the setting of the associated relief valves or the maximum available pressure including hydraulic shock of a system without relief valves.

(vi) Relief valve operation shall be checked at the time of each system hydrostatic test.

(vii) The dates and results of all testing shall be recorded, and made available to the Captain of the Port upon request. Records may be kept in a log book; or on metal tags attached to the apparatus; or by some similar means.

(viii) The escape piping of cargo system relief valves shall return the product to the supply or other suitable receiver.

(ix) At facilities where incompatible cargoes are handled, the hoses and systems shall be suitably marked to specify the allowance products.

(8) In case of emergencies nothing in these regulations shall be construed to prevent the person in charge of the shoreside transfer operation from pursuing the most effective action in his judgment to rectify the conditions causing the emergency.

[CGFR 51-37, 16 FR 8677, Aug. 28, 1951, as amended by CGFR 51-52, 16 FR 11311, Nov. 7, 1951; CGFR 57-52, 22 FR 10303, Dec. 20, 1957; CGFR 58-4, 23 FR 1597, Mar. 6, 1958; CGFR 58-46, 23 FR 10487, Dec. 23, 1958; CGFR 59-35, 24 FR 7581, Sept. 19, 1959; CGFR 64-6, 29 FR 1570, Jan. 30, 1964; CGFR 67-93, 32 FR 20774, Dec. 23, 1967; CGFR 69-82, 34 FR 17478, Oct. 29, 1969; CGFR 70-101, 35 FR 14315, Sept. 11, 1970; CGD 78-023, 44 FR 4643, Jan. 22, 1979]

### § 126.16 Conditions for designating a "facility of particular hazard."

(a) *Basic requirements.* The facility shall comply with all the conditions in § 126.15 except where specifically waived by § 126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

[CGFR 67-93, 32 FR 20774, Dec. 23, 1967]

### § 126.17 Permits required for handling designated dangerous cargo.

Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port. This permit requirement may be waived, at the discretion of the Captain of the Port, when such cargoes are contained within railroad cars or highway vehicles which are moved on or across a waterfront facility used primarily for the transfer of railroad cars or highway vehicles to or from a railroad or highway vehicle ferry or carfloat; provided such designated cargoes are not removed from, or placed in, the railroad car or highway vehicle while it is in or on such waterfront facility.

[CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

### § 126.19 Issuance of permits for handling designated dangerous cargo.

(a) Upon the application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated dangerous cargo at such waterfront facility provided the following requirements are met:

(1) The facility shall comply in all respect with the regulations in this subchapter.

(2) The quantity of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(3) The quantity of designated dangerous cargo consisting of military explosives shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953]

### § 126.21 Permitted transactions.

All permits issued pursuant to § 126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, in excess of the maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with § 126.15(g).

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953]

### § 126.23 Termination or suspension of permits.

Any permit issued pursuant to § 126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.

[CGFR 51-37, 16 FR 8679, Aug. 28, 1951]

### § 126.25 Penalties for handling designated dangerous cargo without permit.

Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under § 126.17, being in force, will subject persons responsible therefore to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. § 1232).

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

### § 126.27 General permit for handling dangerous cargo.

A general permit is hereby issued for the handling, storing, stowing, loading, discharging or transporting of dangerous cargo (other than designated dangerous cargo) in bulk, portable tanks, containers, or packagings, at designated waterfront facilities, conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) The following classes of hazardous materials classified as dangerous for transportation by vessel as listed in the Hazardous Materials Regulations Table (49 CFR 172.101), in the amounts specified, shall not be handled, stored, stowed, loaded, discharged, or transported, except when contained within railroad or high vehicles being transported across or on waterfront facilities used primarily for the transfer of railroad or highway vehicles to or from a railroad car ferry or highway vehicle ferry, or carfloats, without prior notification to the Captain of the Port:

(1) Explosives, Class B, in excess of 1 net ton at any one time.

(2) Explosives, Class C, in excess of 10 net tons at any one time.

(3) Flammable liquids, in excess of 10 net tons at any one time.

(4) Flammable solids or oxidizers, in excess of 100 net tons at any one time.

(5) Flammable gases, in excess of 10 net tons at any one time.

(6) Poisons (Class A).

(7) A bulk shipment of a cargo of particular hazard as defined in §126.10(d).

(c) Explosives or other dangerous cargo prohibited from or not permitted for transportation by 46 CFR Parts 146 and 148 or 49 CFR Parts 70-179 shall not be present on the waterfront facility.

(d) Flammable liquids and compressed gases shall be so handled and stored as to provide maximum separation from acids, corrosive liquids, or combustible materials. Storage for flammable solids or oxidizers shall be so arranged as to prevent moisture coming in contact therewith.

(e) Acids and corrosive liquids shall be so handled and stored as to prevent such acids and liquids, in event of leakage, from contacting any organic materials.

(f) Poisonous gases, poisonous liquids, and poisonous solids shall be so handled and stored as to prevent their contact with acids, corrosive liquids, flammable liquids or flammable solids.

(g) Dangerous cargo which may be stored on the waterfront facility shall be arranged in such manner as to retard the spread of fire. This may be accomplished by interspersing dangerous cargo with inert or less combustible materials

(h) All dangerous cargo stored on the waterfront facility shall be packaged, marked, and labled in accordance with 49 CFR Parts 170-179.

(i) Storage of all radioactive materials shall be so arranged as to preclude a gamma radiation in excess of 200 milliroentgens per hour or physical equivalent at any readily accessible surface.

(Sec. 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 78-023, 44 FR 4643, Jan. 22, 1979, as amended by CGD 75-238, 44 FR 63676, Nov. 5, 1979]

### § 126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate: general provisions.

(a) When any item of ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate, described and defined as an oxidizer by the regulations of 49 CFR Part 173 is handled, stored, stowed, loaded, discharged or transported on a waterfront facility, the following provisions shall apply:

(1) All outside containers shall be marked with the proper shipping name of the nitrate packed within the container.

(2) The building on a waterfront facility used for storage of any of these materials shall be of such construction as to afford good ventilation.

(3) Storage of any of these materials shall be at a safe distance from electric wiring, steam pipes, radiators or any heating mechanism.

(4) These materials shall be separated by a fire resistant wall or by a distance of at least 30 feet from organic materials or other chemicals and substances which could cause contamination such as flammable liquids, combustible liquids, corrosive liquids, chlorates, permanganates, finely divided metals, caustic soda, charcoal, sulfur, cotton, coal, fats, fish oils or vegetable oils.

(5) Storage of any of these materials shall be in a clean area upon clean wood dunnage, or on pallets over a clean floor. In the case of a concrete floor, storage may be made directly on the floor if it is first covered with a moisture barrier such as a polyethylene sheet or asphaltic laminated paper.

(6) Any spilled material shall be promptly and thoroughly cleaned up and removed from the waterfront facility. If any spilled material has remained in contact with a wooden floor for any length of time the floor shall be scrubbed with water and all spilled material shall be thoroughly dissolved and flushed away.

(7) An abundance of water for firefighting shall be readily available.

(8) Open drains, traps, pits or pockets which could be filled with molten ammonium nitrate if a fire occurred (and thus become potential detonators for the storage piles) must be eliminated or plugged.

NOTE: See 49 CFR 176.415 for permit requirements for nitro carbo nitrate and certain ammonium nitrates.

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

### § 126.29 Supervision and control of dangerous cargo.

(a) *Authority.* The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to vessels handling, stowing, loading, or discharging of dangerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized representative; with respect to the ingress and egress of persons, articles, and things and to their presence on the waterfront facilty or vessel; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(b) *Reporting discharge of dangerous liquid commodities into the waters of the United States.* To enhance the safety of the port and to protect vessels, their cargo, and waterfront facilities therein, the discharge into the navigable waters of the United States of petroleum products, petroleum byproducts or other dangerous liquid commodities which may create a hazard or toxic condition in the port area will be immediately reported to the Captain of the Port or District Commander by the owner or master of the vessel from which the discharge occurred, or the owner or operator of a waterfront facility from which the discharge occurred.

[CGFR 69-89, 34 FR 17478, Oct. 29, 1969]

### § 126.31 Termination or suspension of general permit.

The Captain of the Port is hereby authorized to terminate or to suspend the general permit granted by § 126.27 in respect to any particular designated waterfront facility whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension shall be given to the permittee in writing. After such termination, the general permit may be revived by the District Commander with respect to such particular waterfront facility upon a finding by him that the cause of termination no longer exists and is unlikely to recur. After such suspension, the general permit shall be revived by the Captain of the Port with respect to such particular waterfront facility when the cause of suspension no longer exists, and he shall so advise the permittee in writing.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951, as amended by CGFR 69-89, 34 FR 17479, Oct. 29, 1969]

### § 126.33 Penalties for handling dangerous cargo without permit.

Handling, storing, stowing, loading, discharging, or transporting any dangerous cargo covered by § 126.27 under circumstances not covered by the general permit granted in § 126.27 or when such general permit is not in force will subject persons responsible therefor to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. § 1232).

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

### § 126.35 Primary responsibility.

Nothing contained in the rules, regulations, conditions, and designations in this part shall be construed as relieving the masters, owners, operators, and agents of vessels, docks, piers, wharves, or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves, or waterfront facilities.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

### § 126.37 Separability.

If any provision of the rules, regulations, conditions, or designations contained in this part or the application of such provision to any person, waterfront facility, or circumstances shall be held invalid, the validity of the remainder of the rules, regulations, conditions, or designations contained in this part and applicability of such provision to other persons, waterfront facilities, or circumstances, shall not be affected thereby.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

## PART 127—SECURITY ZONES

### Subpart A—General

Sec.

127.01 Purpose of part.
127.05 Definitions.
127.10 Purpose of a security zone.
127.15 General security zone regulations.
127.20 Establishment of security zones; procedures.

### Subpart B—Security Zones

127.301 Sandy Hook Bay, N.J.
127.305 New London Harbor, Conn.
127.701 Vicinity, Kennedy Space Center, Merritt Island, Fla.
127.1401 Apra Harbor, Guam.

AUTHORITY: Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b); E.O. 10173, E.O. 11249; 3 CFR 1949-1953 Comp. p. 356, 3 CFR, 1964-1965 Comp. p. 349; 49 CFR 1.46(b), unless otherwise noted.

SOURCE: CGD 72-51R, 37 FR 10801, May 31, 1972, unless otherwise noted.

## Subpart A—General

### § 127.01 Purpose of part.

The purpose of this part is to—

(a) List security zones;

(b) Prescribe regulations applicable to security zones; and

(c) Prescribe the procedures for establishing security zones.

### § 127.05 Definitions.

As used in this part:

(a) "Captain of the Port" means the Commandant, District Commander, or Captain of the Port, as defined in § 6.01-3 of this chapter, or his designated representative.

(b) "Security zone" means an area of land, water or land and water designated as a security zone by the Captain of the Port.

### § 127.10 Purpose of a security zone.

The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature—

(a) Vessels,

(b) Harbors,

(c) Ports, and

(d) Waterfront facilities—in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

### § 127.15 General security zone regulations.

Unless otherwise provided in the special regulations in Subpart B of this part—

(a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(c) The Captain of the Port may take possession and control of any vessel in a security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board or take or place any article or thing on board any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

### § 127.20 Establishment of security zones; procedures.

(a) Any person may request that a security zone be established. Such request must include—

(1) The name of the person submitting the request;

(2) The location;

(3) The date, time, and duration;

(4) A description of activities planned for the security zone; and

(5) The reason for the security zone.

(b) Each request must be submitted to the Captain of the Port who has jurisdiction over the location. (See Part 3 of this chapter.)

(c) When a Captain of the Port establishes a security zone, he—

(1) Publishes notice of the security zone in the FEDERAL REGISTER and the Local Notice to Mariners; and

(2) Requests local newspapers and broadcasting stations to disseminate the information.

(d) When there is insufficient time to give notice by means of publication as specified in paragraph (c) of this section, the Captain of the Port broadcasts the necessary information in Notice to Mariners followed by publication of notice in the FEDERAL REGISTER.

## Subpart B—Security Zones

### § 127.301 Sandy Hook Bay, N.J.

(a) Naval Ammunition Depot Piers: The waters within the following boundary is a security zone: A line beginning on the shore at 40°25′57″ N. latitude, 74°04′32″ W. longitude; thence to 40°27′52.5″ N. latitude, 74°03′14.5″ W. longitude; thence to 40°27′28.3″ N. latitude, 74°02′12.4″ W. longitude; thence to 40°26′29.2″ N. latitude, 74°02′53″ W. longitude; thence to 40°26′31.1″ N. latitude, 74°02′57.2″ W. longitude; thence to 40°25′27.3″ N. latitude, 74°03′41″ W. longitude; thence along the shoreline to the beginning point.

(b) Terminal Channel: The waters within the following boundary is a security zone: A line beginning at 40°27′41.2″ N. latitude, 74°02′46″ W. longitude; thence to 40°28′27″ N. latitude, 74°02′17.2″ W. longitude; thence to 40°28′21.1″ N. latitude, 74°02′00″ W. longitude; thence to 40°28′07.8″ N. latitude, 74°02′22″ W. longitude; thence to 40°27′39.8″ N. latitude, 74°02′41.4″ W. longitude; thence to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel), instead of § 127.15(a) (37 FR 10801)—

(1) No vessel may anchor, stop, remain, or drift without power at anytime in the security zone.

(2) No vessel may enter, cross, or otherwise navigate in the security zone when a public vessel or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, N.J.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(4) No person may swim in the security zone.

[CGD 72-157R, 37 FR 16675, Aug. 18, 1972]

### § 127.305 New London Harbor, Conn.

(a) *Security Zones*—(1) *Security Zone A.* The waters of the Thames River off State Pier enclosed by a line beginning at the midpoint of the southeast face of State Pier thence to latitude 41°21′24″ N., longitude 72°05′21.2″ W.; thence to latitude 41°21′26.2″ N., longitude 72°05′19.3″ W.; thence to latitude 41°21′34″ N., longitude 72°05′18.1″ W.; thence to latitude 41°21′37.4″ N., longitude 72°05′21″ W. (Buoy C 15); thence to latitude 41°21′37″ N., longitude 72°05′25.1″ W. (Winthrop Point Anchorage Buoy A); thence westerly to the shoreline at latitude 41°21′37″ N., longitude 72°05′28″ W.; thence along the shoreline and pier to the point of beginning.

(2) *Security Zone B.* The waters of the Thames River west of the Electric Boat Division Shipyard enclosed by a line beginning at a point on the shoreline at latitude 41°20′27″ N., longitude 72°04′53.3″ W.; thence due west to latitude 41°20′27″ N., longitude 72°05′02″ W.; thence to latitude 41°21′03″ N., longitude 72°05′06.7″ W.; thence easterly to a point on the shoreline at latitude 41°21′03″ N., longitude 72°05′00″ W.; thence along the shoreline to the point of beginning.

(3) *Security zone C.* The waters of the Thames River, west of the Naval Submarine Base, New London, enclosed by a line beginning at a point on the shoreline at latitude 41°23′15.8″ N., longitude 72°05′17.9″ W.; thence to latitude 41°23′15.8″ N., longitude 72°05′22″ W.; thence to latitude 41°23′25.9″ N., longitude 72°05′29.9″ W.; thence to latitude 41°23′47.2″ N., longitude 72°05′42.2″ W.; thence to latitude 41°23′53.8″ N., longitude 72°05′43.7″ W.; thence to latitude 41°24′04.2″ N., longitude 72°05′42.9″ W.; thence to a point on the shoreline at latitude 41°24′04.2″ N., longitude 72°05′38″ W.; thence along the shoreline to the point of beginning.

(b) *Special regulations.* Section 127.15 does not apply to public vessels when operating in Security Zones A or B, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone B.

(40 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937 (50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b)(1)) E.O. 10173, as amended; 3 CFR 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.56(b))

[CGD 73-182R, 38 FR 31428 Nov. 14, 1973, as amended by CGD 74-188, 40 FR 30961, July 24, 1975]

### § 127.701 Vicinity, Kennedy Space Center, Merritt Island, Fla.

All land, water, and land and water bounded by and within the perimeter commencing at the intersection of the Cape Canaveral Barge Canal and Banana River at position 28-24.55N, 80-39.8W, due West along the Northern shoreline of the Barge Canal for thirteen hundred (1,300) yards, thence due North to position 28-28.7N, 80-40.5W, on Merritt Island, thence on an irregular line from this position to the Eastern shoreline of the Indian River to a position thirteen hundred (1,300) yards South of NASA Causeway at position 28-30.9N, 80-43.7W, (the line from the Barge Canal to the Eastern shoreline of the Indian River is marked by a three (3) strand barbed wire fence), thence North on the shoreline of the Indian River to the NASA Causeway at position 28-31.5N, 80-43.8W. The line will continue West on the Southern shoreline of the NASA Causeway to NASA gate number three (3) (permanent) then North to the Northern shoreline of NASA Causeway and East on the Northern shoreline of the Causeway back to the shoreline on Merritt Island at position 28-31.6N, 80-43.7W, thence Northwesterly along the shoreline to position 28-41.02N, 80-47.17W (Blackpoint), thence due North to Channel marker #6 on the Intracoastal Waterway, thence North Easterly along the Southern edge of Intracoastal Waterway to the Western entrance to Haulover Canal; thence Northeasterly along the Southern edge of Haulover Canal to the Eastern entrance to the Canal, thence due East to a point in the Atlantic Ocean three (3) miles off shore at position 28-44.7N, 80-37.85W, thence Southerly along a line three (3) miles from the coast to wreck buoy "WR6" thence to Port Canaveral Channel lighted Buoy "10" thence Westerly along the Northern edge of the Port Canaveral Channel to the Northeast corner of the intersection of the Cape Canaveral Barge Canal and Intracoastal Waterway in the Banana River at Position 28-24.6N, 80-38.7W Northerly along the east side of the Intracoastal Waterway to NASA Causeway East (Orsino Causeway), thence Westerly along the Southern shoreline of NASA Causeway East to the shoreline on Merritt Island at position 28-31.2N, 80-37.4W, thence South on the shoreline to the starting point. The area designated herein shall be closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or Captain of the Port, Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government. Closure of the Security Zone, or specified portions of it, will be as specified by Captain of the Port, Jacksonville, FL, in locally promulgated announcements. The closing of the area will be signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28-35N, 80-34.6W, and from a 90-foot pole near the shoreline at approximately 28-25.3N, 80-35W. Appropriate local Notice to Mariners will also be broadcast on 2670 KHZ.

(40 Stat. 220 as amended (50 U.S.C. 191), Sec. 1: 63 Stat. 503 (14 U.S.C. 91), sec. 6(b)(1); 80 Stat. 937 (49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873; 3 CFR 1964-1965 Comp. 349; 33 CFR Part 6; 49 CFR 1.46(b))

[CGD 7-79-1R, 44 FR 8869, Feb. 12, 1979]

### § 127.1401 Apra Harbor, Guam.

(a) *Security zones*—(1) *Security Zone A.* The waters of the Pacific Ocean and Apra Outer Harbor within an elliptical area of 650 yards radius centered at the southwest and north corners of Navy Wharf H. (Southwest corner is at latitude 13°27′43.6″ N., longitude 144°38′55″ E.; the north corner is at latitude 13°27′44.6″ N., longitude 144°39′00″ E.)

(2) *Security Zone B.* A 680-yard-wide area in Apra Outer Harbor contiguous to and bordering Security Zone A.

(b) *Special regulations.* (1) Section 127.15 does not apply to Security

Zones A and B, except when Navy Wharf H, or a vessel berthed at Navy Wharf H, is displaying a red (BRAVO) flag by day or a red light by night.

(2) Vessels may enter Security Zone B when transiting the harbor without the permission of the Captain of the Port.

(3) Unless the Captain of the Port orders the vessel to leave, any vessel berthed at a waterfront facility may remain in Security Zone B without the permission of the Captain of the Port.

(4) Vessels under 65 feet in length may anchor in the Special Anchorage Area as described in § 110.129a of this part without permission of the Captain of the Port.

[CGD 72-51R, 37 FR 10801, May 31, 1972, as amended by CGD 73-191, 40 FR 1017, Jan. 10, 1975]

## PART 128—REGULATED NAVIGATION AREAS

### Subpart A—General

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### Subpart B—Regulated Navigation Areas

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AUTHORITY: Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n)(4), unless otherwise noted.

SOURCE: 37 FR 10802, May 31, 1972, unless otherwise noted.

## Subpart A—General

### § 128.01 Purpose of part.

The purpose of this part is to—

(a) List Regulated Navigation Areas;

(b) Prescribe regulations applicable to Regulated Navigation Areas; and

(c) Prescribe the procedures for establishing Regulated Navigation Areas.

### § 128.05 Definitions.

As used in this part:

(a) "Captain of the Port" means the Commandant, District Commander, or the Captain of the Port, as defined in § 6.01-3 of this chapter, or his designated representative.

(b) "Regulated Navigation Area" means the water area within a defined boundary for which regulations have been established under this part.

(c) "Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

[37 FR 10802, May 31, 1972, as amended by CGD 73-152, 39 FR 32133, Sept. 5, 1975]

### § 128.07 Vessel operation in a regulated navigation area.

(a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations in Subpart B of this part.

(b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this part.

[CGD 73-152, 39 FR 32133, Sept. 5, 1974]

### § 128.10 Establishment procedures.

(a) Any person may request that a Regulated Navigation Area be established. Such request must include—

(1) The name of the person submitting the request;

(2) The location;

(3) The date, time, and duration;

(4) A description of activities planned for the Regulated Navigation Area; and

(5) The reason for the Regulated Navigation Area.

(b) The request must be submitted to the Captain of the Port having jurisdiction over the location (see Part 3 of this chapter).

## Subpart B—Regulated Navigation Areas

### § 128.101 Kittery, Maine.

(a) The following is a Regulated Navigation Area—Waters with the boundary of a line beginning at 43°04'50" N., 70°44'52" W.; thence to 43°04'52" N., 70°44'53" W.; thence to 43°04'59" N., 70°44'46" W., thence to 43°05'05" N., 70°44'32" W.; thence to 43°05'03" N., 70°44'30" W.; thence to the beginning point.

(b) Regulations—No vessel may operate in this area at a speed in excess of five miles per hour.

(Sec. 104 Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224; 49 CFR 1.46 (n)(4)))

[CGD 76-235, 42 FR 48876, Sept. 26, 1977]

### § 128.301 Delaware Bay and River.

(a) The following is a Regulated Navigation Area—The waters of Delaware Bay and River south and southeasterly of the southern span of the Delaware Memorial Bridge and inside the boundary line of inland waters described in § 82.25 of this chapter.

(b) *Regulations*—(1) *Draft limitation*. Unless otherwise authorized by the Captain of the Port, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

(2) *Oil transfer operations*. Unless otherwise authorized by the Captain of the Port, no vessel may conduct oil transfer operations in this regulated navigation area except in the anchorage ground designated in § 110.157(a)(1) of this chapter.

[CGD 73-190R, 39 FR 18279, May 24, 1974, as amended by CGD 74-281, 42 FR 63642, Dec. 19, 1977]

### § 128.501 Chesapeake Bay Entrance.

(a) The following is a Regulated Navigation Area—The waters of the Atlantic Ocean and Chesapeake Bay enclosed by a line beginning at Fort Wool Light at latitude 36°59'12" N., longitude 76°18'09" W.; thence to Cape Charles City Range Rear Light at latitude 37°14'54" N., longitude 76°01'16" W.; thence southerly along the shoreline to Wise Point at latitude 37°06'58" N., longitude 75°58'18" W.; thence to Cape Charles Light at latitude 37°07'22" N., longitude 75°54'24" W.; thence to Cape Henry Light at latitude 36°55'35" N., longitude 76°00'27" W.; thence westerly along the shoreline to the east side of the entrance to Little Creek at latitude 36°55'49" N., longitude 76°10'33" W.; thence to the west side of the entrance to Little Creek at latitude 36°55'53" N., longitude 76°10'46" W.; thence westerly along the shoreline to the southernmost end of the Hampton Roads Tunnel south approach span at latitude 36°58'02" N., longitude 76°17'51" W.; thence northerly along that approach span to the point of beginning.

(b) For the purposes of this section—

(1) "CBBT" means Chesapeake Bay Bridge-Tunnel;

(2) Chesapeake Channel consists of the waters enclosed by a line beginning at Chesapeake Channel Lighted Buoy 7 at latitude 37°01'13" N., longitude 76°03'08" W.; thence to Lighted Bell Buoy 11 at latitude 37°03'28" N., longitude 76°05'36" W.; thence to Lighted Buoy 12 at latitude 37°03'42" N., longitude 76°05'13" W.; thence to Lighted Bell Buoy 8 at latitude 37°01'29" N., longitude 76°02'47" W.; thence to the point of beginning;

(3) Thimble Shoal Channel consists of the waters enclosed by a line begin-

ning at Thimble Shoal Channel Lighted Bell Buoy 1 at latitude 36°57′20″ N., longitude 76°02′47″ W.; thence to Lighted Buoy 19 at latitude 37°00′10″ N., longitude 76°13′43″ W.; thence to Lighted Gong Buoy 20 at latitude 37°00′19″ N., longitude 76°13′39″ W.; thence to Lighted Buoy 2 at latitude 36°57′30″ N., longitude 76°02′45″ W.; thence to the point of beginning;

(4) Thimble Shoal North Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, the southern boundary of which extends from Lighted Buoy 2 at latitude 36°57′30″ N., longitude 76°02′45″ W., to Lighted Gong Buoy 20 at latitude 37°00′19″ N., longitude 76°13′39″ W.; and

(5) Thimble Shoal South Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, the northern boundary of which extends from Lighted Bell Buoy 1 at latitude 36°57′20″ N., longitude 76°02′47″ W. to Lighted Buoy 19 at latitude 37°00′10″ N., longitude 76°13′43″ W.

(c) Regulations:

(1) *Anchoring Prohibition.* No vessel over 100 gross tons may anchor or moor in this regulated navigation area, except that a self-propelled vessel may anchor or moor in an anchorage ground designated under § 110.168(g) of this chapter if it—

(i) Can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels; and

(ii) Has no impairment to its maneuverability such as defective steering equipment or defective main propulsion machinery.

(2) *Secondary Towing Rig.* (i) No vessel over 100 gross tons may be towed in this regulated navigation area unless it is equipped with a secondary towing rig in addition to its primary towing rig that—

(A) Is of sufficient strength for towing the vessel;

(B) Has a connecting device that can receive a shackle pin of at least two inches in diameter; and

(C) Is fitted with a recovery pick-up line led outboard of the vessel's hull.

(ii) For the purpose of this subparagraph a tow consisting of two or more vessels each of which is less than 100 gross tons, and the total gross tonnage of which is greater than 100 gross tons, shall be treated as if it were one vessel under tow that is over 100 gross tons.

(3) *Anchoring detail.* Whenever a self-propelled vessel over 100 gross tons equipped with an anchor or anchors, except a tugboat equipped with bow fenderwork of a type of construction that the anchor cannot be rigged for quick release, is underway within two nautical miles of the CBBT, its personnel must be stationed at locations where the vessel can be anchored in an emergency without delay.

(4) *Draft limitation.* No vessel drawing less than 25 feet may enter Thimble Shoal Channel except to cross that channel.

(5) *Direction of traffic.* No vessel may proceed in—

(i) Thimble Shoal North Auxiliary Channel except in a westbound direction or to cross that channel; or,

(ii) Thimble Shoal South Auxiliary Channel except in an eastbound direction or to cross that channel.

(6) *Impaired Vessel Maneuverability*—(i) *Before entry.* No vessel over 100 gross tons, the maneuverability of which is impaired because of any condition such as hazardous weather, defective steering equipment, defective main propulsion machinery, or damage to the vessel, may enter the regulated navigation area unless—

(A) It is attended by one or more tugboats with total sufficient power to ensure its safe passage through the regulated navigation area; or

(B) Its entry is otherwise authorized by the Captain of the Port.

(ii) *After entry.* If the maneuverability of a vessel over 100 gross tons underway in the regulated navigation area becomes impaired because of any condition, the master of the vessel shall as soon as possible thereafter—

(A) Report the impairment to the Captain of the Port; and

(B) Have the vessel attended by one or more tugboats described in paragraph (c)(6)(i)(A) of this section, except when otherwise authorized by the Captain of the Port.

(7) *Navigation charts, radar, and pilots.* No vessel over 100 gross tons may enter the regulated navigation area unless—

(i) The vessel has on board navigation charts of the regulated navigation area and, during reduced visibility, operative radar; or

(ii) The vessel has a pilot or other person on board with previous experience in navigating the waters of the regulated navigation area; or

(iii) The Captain of the Port has been given notice of the time and place of entry of the vessel.

(8) *Emergencies.* In an emergency, any person may deviate from any regulation in this section to the extent necessary to avoid endangering persons, property, or the environment. However, each vessel over 100 gross tons, except for a self-propelled vessel that can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels and that has no impairment to its maneuverability such as defective steering equipment or defective main propulsion machinery, that anchors or moors in the regulated navigation area because of an emergency, must as soon as possible—

(i) Notify the Captain of the Port of the place of anchoring or mooring; and

(ii) Be attended by one or more vessels of sufficient power to keep the vessel in the position where it is anchored or moored.

(9) *Waiver.* (i) The Captain of the Port may, upon request, waive any regulation in this paragraph if he finds that the proposed operations under the waiver can be done safely. An application for a waiver must state the need for the waiver and describe the proposed operations.

(ii) Compliance with this paragraph is not required to the extent necessary to carry out the following operations:

(A) Law enforcement.

(B) The servicing of aids to navigation, or the surveying, maintenance, or improvement of waters, in the regulated navigation area.

(d) *Control of vessel anchoring, mooring, and movement.* (1) When necessary to prevent damage to, or destruction or loss of, any vessel or the CBBT, the Captain of the Port may issue directions requiring the further anchoring, mooring, or movement of a vessel that has anchored or moored in this regulated navigation area because of an emergency.

(2) The master of a vessel in the regulated navigation area shall comply with each direction issued to him under this section.

[CGD 73-152, 39 FR 32133, Sept. 5, 1974]

### § 128.901 Great Lakes Winter Navigation.

(a) *Lake Huron.* The following are Regulated Navigation Areas:

(1) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Mich.; bounded by a line north from Cheboygan Crib Light (LL 1340) at latitude 45°39.8′ N., longitude 84°27.6′ W.; to Bois Blanc Island at latitude 45°43.7′ N., longitude 84°27.6′ W., and a line north from the mainland at latitude 45°43.0′ N., longitude 84°35.5′ W.; to the western tangent of Bois Blanc Island at latitude 45°48.7′ N., longitude 84°35.5′ W.

(2) The waters of Lake Huron between Mackinac Island and St. Ignace, Mich. bounded by a line east from St. Ignace Ferry light (LL-1387) at latitude 45°52.2′ N., longitude 84°43.0′ W.; to Mackinac Island at Latitude 45°52.2′ N., longitude 84°39.0′ W.; and a line east from the mainland at latitude 45°53.2′ N., longitude 84°43.5′ W.; to the northern tangent of Mackinac Island at latitude 45°53.2′ N., longitude 84°38.8′ W.

(b) *Lake Michigan.* The following is a Regulated Navigation Area. The waters of Lake Michigan known as Grays Reef Passage bounded by a line from Grays Reef Light (LL-2006) at latitude 45°46.0′ N., longitude 85°09.2′ W.; to White Shoals Light (LL-2003) at latitude 45°50.5′ N., longitude 85°08.1′ W.; to a point at latitude 45°49.2′ N., longitude 85°04.8′ W.; thence to a point at latitude 45°45.7′ N., longitude 85°08.7′ W.; thence to the point of beginning.

(c) *The regulations.* The Captain of the Port, Sault Ste. Marie, will close and open these regulated navigation areas as ice conditions dictate. Under normal seasonal conditions only one closing each winter and one opening each spring are anticipated. Prior to the closing or opening of these regulated navigation areas, the Captain of the Port must give interested parties, including both shipping interests and island residents, not less than 72 hours notice of the action. No vessel may navigate in a regulated navigation area which has been closed by the Captain of the Port. Under emergency conditions, the Captain of the Port may authorize specific vessels to navigate in a closed regulated navigation area.

(Sec. 2, Pub. L. 95-474, 92 Stat. 1471, 49 CFR 1.46(n)(4))

[CGD 77-246, 44 FR 5118, Jan. 25, 1979]

### § 128.1401 Apra Outer Harbor, Guam.

(a) The following is a Regulated Navigation Area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26′47″ N., longitude 144°35′07″ E.; thence to Spanish Rocks at latitude 13°27′09.5″ N., longitude 144°37′20.6″ E.; thence along the shoreline of Apra Outer Harbor to latitude 13°26′28.1″ N., longitude 144°39′52.5″ E. (the northwest corner of Polaris Point); thence to latitude 13°26′40.2″ N., longitude 144°39′28.1″ E.; thence to latitude 13°26′32.1″ N., longitude 144°39′02.8″ E.; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26′42″ N., longitude 144°36′58.5″ E.; thence to the beginning.

(b) Regulations:

(1) Except for public vessels of the United States, vessels may not enter Apra Outer Harbor without permission of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Vessels over 100 gross tons shall:

(i) Steady on the entrance range at least 2 miles west of the entrance when approaching Apra Outer Harbor and;

(ii) [Reserved]

(iii) Steady on the range when departing Apra Outer Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26′47″ N., longitude 144°35′07″ E.; thence to latitude 13°27′14.1″ N., longitude 144°39′14.4″ E.; thence to latitude 13°26′35.2″ N., longitude 144°39′46.4″ E.; thence to latitude 13°26′30.8″ N., longitude 144°39′44.4″ E.

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

(6) No vessel may leave Apra Outer Harbor until any inbound vessel over 65 feet in length has cleared the Outer Harbor Entrance.

[CGD 72-51R, 37 FR 10802, May 31, 1972, as amended by CGD 73-152, 39 FR 32134, Sept. 5, 1974; CGD 74-281, 42 FR 63642, Dec. 19, 1977]

## Subpart C—Mooring Barges on the Mississippi River Between Miles 88 and 127 Above the Head of Passes

SOURCE: CGD 74-185, 40 FR 56431, Dec. 3, 1975, unless otherwise noted.

### § 128.801-1 Mississippi River.

(a) The following is a Regulated Navigation Area—the waters of the Mississippi River between miles 88 and 127 above Head of Passes.

(b) Regulations for this Regulated Navigation Area appear in §§ 128.801-3 through 128.801-41.

### § 128.801-3 Definitions.

As used in this subpart:

(a) "Fleeting facility" means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(b) "Tier" means barges moored interdependently in rows or groups.

(c) "Fleet" includes one or more tiers.

(d) "Person in charge" includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher, or other person navigating, controlling, directing, or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet, or fleeting facility subject to the regulations in §§ 128.801-3—128.801-41.

(e) "Breakaway" means a barge that is adrift and is not under the control of a towing vessel.

(f) "Mooring device" includes a deadman, anchor, pile, or other reliable holding apparatus.

(g) "Mooring barge" or "spar barge" means a barge moored to mooring devices and to which other barges may be moored.

### § 128.801-5 Waivers.

(a) The Captain of the Port (COTP) may, upon written request except as allowed in paragraph (c) of this section, waive any regulation in § 128.801-11 through § 128.801-37 if he finds that the proposed operation can be conducted safely under the terms of that waiver.

(b) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(c) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(d) The COTP may at any time terminate any waiver issued under this section.

### § 128.801-7 Waiver appeals.

An applicant for a waiver that is denied by the COTP may appeal in writing to the District Commander, whose determination is final.

### § 128.801-9 Emergencies.

In an emergency, a person may depart from any regulation in § 128.801-11 through § 128.801-37 to the extent necessary to avoid immediate danger to persons, property, or the environment.

## MOORING

### § 128.801-11 Mooring: General.

(a) No person may secure a barge to trees or to other vegetation.

(b) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn moorings.

(c) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(d) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

### § 128.801-13 Mooring to a mooring device.

(a) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device.

(b) Barges moored in tiers may be moored to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device.

(c) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼". Chain or line used between the upstream end of a barge and a mooring device must be of at least equivalent strength to 1¼" diameter wire rope.

(d) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of ⅞". Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of ⅞" diameter wire rope.

### § 128.801-15 Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier.

The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by—

(a) Three parts of wire rope of at least ⅞" diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(b) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ⅞" diameter wire rope; or

(c) Fixed rigging that is at least equivalent to three parts of ⅞" diameter wire rope.

### § 128.801-17 Mooring: Person in charge.

(a) The person in charge of a barge, tier, fleet, or fleeting facility shall ensure that the barge, tier, fleet, or fleeting facility meets the requirements in §§ 128.801-11 and 128.801-13.

(b) The person in charge shall ensure that all mooring devices, wires, chains, lines, and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

## SUPERVISION OF FLEETING FACILITIES

### § 128.801-19 Fleeting facility: Inspection of moorings.

(a) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (b) of this section.

(b) The person assigned to inspect moorings shall inspect.

(1) At least twice during each day during periods that are six hours or more apart, each mooring wire, chain, line, and connecting gear between mooring devices and each wire, line, and connecting equipment used to moor each barge; and

(2) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(c) The person who inspects moorings shall take immediate action to correct each deficiency.

### § 128.801-21 Fleeting facility: Records.

The person in charge of a fleeting facility shall maintain and make available to the Coast Guard records containing the following information:

(a) The time of commencement and termination of each inspection required in § 128.801-19(b).

(b) The name of each person who makes the inspection required in § 128.801-19(b).

(c) The time of, date of, identification of, and presence of any hazardous cargo in each barge entering and departing the fleeting facility.

(d) The identification of each towboat that moves a barge into, within, or out of the fleeting facility.

NOTE: The requirements in § 128.801-21(c) for the listing of hazardous cargo refers to cargoes regulated by Subchapter D and O of Chapter I, Title 46, Code of Federal Regulations.

### § 128.801-23 Fleeting facility: Surveillance.

(a) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP. Alternative surveillance techniques permitting one observer to maintain the required observation over adjacent fleeting facilities may also be considered upon submission of a detailed proposal for a waiver to the COTP.

(b) The person who observes the barges shall:

(1) Inspect for movements that are unusual for properly secured barges; and

(2) Take immediate action to correct each deficiency.

### § 128.801-25 Fleeting facility: Person in charge.

The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of § 128.801-19 or § 128.801-23 is corrected.

## BREAKAWAYS

### § 128.801-29 Securing breakaways.

The person in charge shall take immediate action to:

(a) Secure each breakaway; and

(b) Report each breakaway as soon as possible to the Captain of the Port, New Orleans, by telephone, radio, or other means of rapid communication.

### § 128.801-31 Radio communication during breakaway.

The person in charge of a vessel engaged in recovery of a breakaway shall monitor and communicate with other vessels and the Coast Guard on VHF-FM.

### HIGH WATER

### § 128.801-33 Applicability.

Sections 128.801-35 and 128.801-37 apply to barges in the Mississippi River between mile 88 and 127 above Head of Passes during high water when:

(a) The Carrollton Gage stands 12 feet or more; or

(b) The Carrollton Gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that §§ 128.801-35 and 128.801-37 are in effect.

### § 128.801-35 Fleeting facilities: Towboat attendance of barges.

During high water, the person in charge of a fleeting facility must ensure compliance with the following requirements:

(a) Each fleet consisting of eight or more barges must be attended by at least one radar equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(b) Each fleet must have 2 or more towboats in attendance when:

(1) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains 8 or more barges; or

(2) Barges are added to the fleet and the number of barges being added and the fleet at the start of the operation total 8 or more.

(c) Each towboat required in paragraphs (a) and (b) of this section must be:

(1) Capable of safely withdrawing, moving, or adding each barge in the fleet;

(2) Immediately operational;

(3) Radio equipped; and

(4) Within 500 yards of the barges.

(d) The person in charge of each towboat required in paragraphs (a) and (b) of this section shall maintain:

(1) A continuous guard on Channel 13 (156.65 MHz) VHF-FM; and

(2) When moored, a continuous watch on the barges in the fleeting facility.

(e) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (a) of this section shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

### § 128.801-37 Fleeting operations during low visibility.

During high water when visibility is reduced to less than two hundred yards:

(a) Tows, may not be assembled or disassembled;

(b) No barge may be added to, withdrawn from, or moved within a fleet except:

(1) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(2) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(c) No person in charge of a tow arriving in this regulated navigation area may moor unless he notifies the COTP of his intentions.

### PENALTIES

### § 128.801-39 Civil penalties.

33 U.S.C. 1226 prescribes that whoever violates a regulation issued under Title I of the Ports and Waterways Safety Act of 1972 is liable to a civil penalty of not more than $10,000.

### § 128.801-41 Criminal penalties.

33 U.S.C. 1227 prescribes that whoever willfully violates a regulation issued under Title I of the Ports and Waterways Safety Act of 1972 shall be fined not less than $5,000 or more than $50,000 or imprisoned for not more than 5 years, or both.

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CROSS REFERENCES: United States Customs Service, Department of the Treasury: 19 CFR Chapter I.

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# SUBCHAPTER M—MARINE OIL POLLUTION LIABILITY AND COMPENSATION

## PART 135—OFFSHORE OIL POLLUTION COMPENSATION FUND

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AUTHORITY: Title III, Pub. L. 95-372, 92 Stat. 670 (43 U.S.C. 1811 et. seq.); EO 12123, 44 FR 11199; 49 CFR 1.46.

SOURCE: CGD 77-055, 44 FR 16868, Mar. 19, 1979, unless otherwise noted.

## Subpart A—General

### § 135.1 Purpose.

(a) This part prescribes the policies, procedures, and administrative practices regarding offshore oil pollution liability and compensation, including the administration and general operation of the fund established under Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372, 43 U.S.C. 1811 et. seq.).

### § 135.3 Applicability.

(a) This part applies to each person who—

(1) Owns oil obtained from the Outer Continental Shelf when the oil in produced;

(2) Owns, operates, or is the guarantor of the owner or operator of any vessel;

(3) Owns, operates, or is the guarantor of the owner or operator of any offshore facility;

(4) Sustains an economic loss as a consequence of oil pollution arising from Outer Continental Shelf activities; or

(5) Otherwise has responsibilities under Title III of the Act and the regulations in this part.

### § 135.5 Definitions.

(a) As used in this part, the following terms shall have the same meaning as defined in section 301 of Title

III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372): "barrel"; "claim"; "discharge"; "facility"; "Fund"; "guarantor"; "incident"; "offshore facility"; "oil pollution"; "operator"; "owner"; "person"; "person in charge"; "public vessel"; and "vessel".

(b) As used in this part—

(1) "Act" means Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372), entitled "Offshore Oil Spill Pollution Fund".

(2) "Captain of the Port" means a Coast Guard officer designated as Captain of the Port for the areas described in Part 3 of this chapter, or that person's authorized representative or, where there is no Captain of the Port area, the District Commander.

(3) "Commandant" means the Commandant of the Coast Guard or that person's authorized representative.

(4) "District Commander" means the Coast Guard officer commanding a Coast Guard District described in Part 3 of this chapter, or that person's authorized representative.

(5) "Fund Administrator" means the person to whom the authority and functions of the Commandant as administrator of the Fund are delegated.

(6) "Oil" means petroleum, including crude oil or any fraction or residue therefrom and natural gas condensate, except that the term does not include natural gas.

(7) "Outer Continental Shelf" or "OCS" means "outer Continental Shelf" as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C.1331(a)).

### § 135.7 Delegation—Fund Administrator.

(a) The Fund Administrator is delegated authority to perform those functions assigned or delegated to the Secretary of Transportation under the Act not reserved by the Secretary of Transportation or the Commandant.

(b) The Fund Administrator may redelegate and authorize successive redelegations of the authority granted in paragraph (a) of this section within the command under which that person has jurisdiction or to members of the Fund staff.

### § 135.9 Fund address.

(a) The address to which correspondence relating to the Coast Guard's administration of the Fund is to be directed and the location of the Fund Administrator is Offshore Oil Pollution Compensation Fund, U.S. Coast Guard Headquarters (G-W/73), 2100 Second Street, S.W., Washington, D.C. 20593.

## Subpart B—Levy of Fees

### § 135.101 Purpose.

(a) The purpose of this subpart is to state the general requirements concerning the levy of fees.

### § 135.103 Levy and payment of barrel fee on OCS oil.

(a) A fee of $.03 per barrel is levied on all oil produced on the OCS and shall be imposed on the owner of the oil when such oil is produced.

(b) The owner of oil obtained from the OCS shall, for the purpose of computing the barrel fee levied in paragraph (a) of this section, measure OCS oil production by employing the methods and criteria of the U.S. Geological Survey contained in 30 CFR 250.60 and OCS Order 13.

NOTE: Payment of the fee levied in paragraph (a) of this section is made in accordance with the fee collection regulations issued by the Secretary of the Treasury. The Federal Government entitlement to royalty oil does not constitute ownership of oil at the time of production.

### § 135.105 Adjustment of levy.

(a) The Commandant modifies or suspends by regulation the barrel fee levied in § 135.103(a) to maintain the statutory Fund level.

(b) The Commandant gives at least 90 days notice before any barrel fee modification or suspension becomes effective.

## Subpart C—Financial Responsibility for Offshore Facilities

### § 135.201 Applicability.

(a) This subpart applies to the owner or operator of each offshore facility required by the Act to establish and maintain evidence of financial responsibility.

(b) For the purpose of this subpart:

(1) All structures, including platforms, wells, and pipelines, are considered a single offshore facility if they are physically connected, located upstream of the point of custody transfer, within the same oil field, and under one ownership.

(2) If separate parts of a structure, including platforms and pipelines, are owned separately, each part having common ownership is considered a separate offshore facility.

(3) A mobile offshore drilling unit is considered an offshore facility from the moment a drill shaft or other device connected to the unit first touches the seabed or connects to a well for the purposes of exploration, development, or production of oil until drilling is completed and the unit is no longer attached to the well or drill hole by any device.

(4) A mobile offshore drilling unit considered an offshore facility under paragraph (b)(3) of this section remains a separate facility when physically connected to another offshore facility, unless both are under one ownership.

(5) All segments of a common carrier pipeline from the point of custody transfer to the shore, including any pumping or booster stations, which are under one ownership are considered a single offshore facility.

(6) Any pipeline, which is under one ownership, between two offshore facilities, or between an offshore facility and the shore, is considered a single offshore facility.

(7) Offshore facilities which drill for, produce, or process only natural gas are not subject to this subpart unless the facilities have the capacity to transport, store, or otherwise handle more than 1,000 barrels of condensate at any one time.

NOTE: Regulations governing financial responsiblity and certification for vessels are promulgated by the Federal Maritime Commission.

### § 135.203 Amount required.

(a) Each facility that is used for drilling for, producing, or processing oil, or which has the capacity to transport, store, transfer, or otherwise handle more than one thousand barrels of oil at any one time must be covered by evidence of financial responsibility submitted by or on behalf of the owner or operator of the facility, in the amount of $35,000,000.

(b) Evidence of financial responsibility established and maintained by a person who owns or operates more than one facility, or who has an interest in the ownership or operation of more than one facility, may be applied by that person towards establishing and maintaining the required evidence of financial responsibility for each facility in which that person has an interest, if the evidence is available to satisfy liabilities arising out of incidents involving those facilities.

### § 135.204 Submission of evidence.

(a) Where the offshore facility is owned and operated solely by one person, that person must establish and maintain evidence of financial responsibility covering the facility.

(b) Where the offshore facility is owned in its entirety by one person and operated solely by another person, evidence of financial responsibility covering the facility must be established and maintained by either the owner or the operator, or, in consolidated form, by both the owner and operator.

(c) Where the offshore facility is owned or operated by more than one person, evidence of financial responsibility covering the facility must be established and maintained by any one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators.

(d) When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant must be shown. The evidence must be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(e) Each owner and operator of a facility is subject to the penalty provided by section 312(a) of the Act if evidence of financial responsibility is not established and maintained for that facility.

### § 135.205 Methods of establishing.

(a) Evidence of financial responsibility may be established by any one, or any combination acceptable to the Fund Administrator, of the following methods:

(1) Insurance;

(2) Guaranty;

(3) Indemnity;

(4) Surety bond; or

(5) Qualification as self-insurer.

(b) The Fund Administrator will accept alternative evidence of financial responsibility if, in the Fund Administrator's opinion, it establishes an equivalent degree of financial responsibility for the purposes of this subpart.

### § 135.207 Insurance as evidence.

(a) Insurance filed with the Fund Administrator as evidence of financial responsibility shall be issued by an insurer that is acceptable to the Fund Administrator. Those insurers may include domestic and foreign insurance companies, corporations or associations of individual insurers, protection and indemnity associations, or other persons acceptable to the Fund Administrator.

(b) An insurer must—

(1) Agree to be sued directly, within the limits of the policy coverage, by any person for claims under the Act against the owner or operator; and

(2) Designate an agent in the United States for service of process.

(c) Insurance as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until—

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and the person insured, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the insurance applies ceases to be a facility under § 135.201(b).

(d) Termination of insurance coverage shall not affect the liability of the insurer for an incident occurring before the effective date of termination.

(e) Confirmation of insurance may be accepted from an insurance broker that is acceptable to the Fund Administrator, subject to the Fund Administrator's approval of the individual underwriters, in lieu of their signature on an application, provided the confirmation:

(1) States the insurance covers liabilities under the Act;

(2) Sets forth the limit and deductible;

(3) Provides for direct action against the individual underwriters to the extent of their contracts;

(4) Names the underwriters and percentages of the limit accepted by each;

(5) States that the underwriters agree to give prior written notice of cancellation or change to the Fund Administrator as required in paragraph (c) of this section; and

(6) States that the notice indicated in paragraph (e)(5) of this section will not affect the underwriter's liability for incidents occurring before the effective date of cancellation.

### § 135.209 Guaranty as evidence.

(a) Guarantors must—

(1) Agree to be sued directly, within the limits the guaranty, by any person for claims under the Act against the owner or operator; and

(2) Designate an agent in the United States for service of process.

(b) Guaranties filed as evidence of financial responsibility must be accompanied by the same proof that the Guarantor is financially responsible as this subpart would require of the owner or operator; i.e. insurance, surety bond, self-insurance, or other acceptable methods.

(c) A guaranty as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until—

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and

the person guarantied, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the guaranty applies ceases to be a facility under § 135.201(b).

(d) Termination of the guaranty shall not affect the liability of the guarantor for an incident occurring before the effective date of termination.

### § 135.210 Indemnity as evidence.

(a) An indemnitor must—

(1) Agree to be sued directly, within the limits of the contract coverage, by any person for claims under the Act against the owner or operator to the extent of the indemnity coverage; and

(2) Designate an agent in the United States for service of process.

(b) Indemnity filed as evidence of financial responsibility must be accompanied by the same proof of the indemnitor's financial responsibility as this subpart would require of the owner or operator; i.e. insurance, surety bond, self-insurance; or other acceptable methods.

(c) An indemnity as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until—

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and the person indemnified, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the indemnity applies ceases to be a facility under § 135.201(b).

(d) Termination of an indemnity shall not affect the liability of the indemnitor for an incident occurring before the effective date of termination.

### § 135.211 Surety bond as evidence.

(a) Each surety bond filed with the Fund Administrator as evidence of financial responsibility shall be issued by a bonding company that—

(1) Is authorized to do business in the United States;

(2) Is licensed to do business in the state or territory in which the bond is executed;

(3) Is certified by the Department of the Treasury with respect to the issuance of Federal bonds in the penal sum of the bond; and

(4) Designates an agent in the United States for service of process.

(b) The bonding company must agree to be sued directly, within the limits of the surety bond, by any person for claims under the Act against the owner or operator.

(c) A surety bond as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until—

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and the person bonded, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the surety bond applies ceases to be a facility under § 135.201(b).

(d) Termination of the surety bond shall not affect the liability of the surety for an incident occurring before the effective date of termination.

### § 135.213 Qualification as self-insurer.

(a) Qualification for self insurance must be supported by a copy of the self-insurer's current balance sheet, income statement, and statement of changes in financial position that are certified by an independent Certified Public Accountant and must be accompanied by either—

(1) An additional statement confirming that the self-insurer's current U.S. assets, including those of consolidated subsidiaries held in the U.S., not including pledged assets or stock not publicly traded, exceed the current U.S. liabilities, and the self-insurers net worth exceeds the amount of the requested self-insurance; or

(2) A statement, based on an analysis of the self-insurer's financial position, which shows that sufficient assets or cash flow, other than which might be damaged as a result of a pollution incident, are available which may be liquidated to provide the funds necessary to retire a claim for the amount of the self-insurance without placing the self-insurer in an insolvent position.

(b) The statements required by paragraphs (a) (1) and (2) of this section must be prepared and submitted by the involved Certified Public Accountant when the required financial statements are prepared in consolidated form and the liability represents less than the full financial backing of the consolidated entity, otherwise they may be prepared and submitted by the Treasurer or equivalent official.

(c) If the self-insurer files a Securities and Exchange Commission Form 10-K report, a copy of the self-insurer's most recent 10-K report must be filed with the Fund Administrator within 120 days after the end of the fiscal year to which it relates, in addition to filing the most recent 10-K report with the initial application.

(d) Each self-insurer must file annually with the Fund Administrator, copies of documents required under paragraph (a) of this section, within 120 days after the close of the self-insurer's fiscal accounting period. If a self-insurer files a 10-K report with the Fund Administrator under paragraph (c) of this section which contains some of the financial statements required in paragraph (a), a separate filing of those specific statements need not be made.

### § 135.215 Certification.

(a) Applicants shall—

(1) If the facility is in existence before September 17, 1979, apply for a Certificate of Financial Responsibility before September 17, 1979.

(2) If the offshore facility is not in existence on September 17, 1979, apply for a Certificate of Financial Responsibility at least 45 days before placing the offshore facility into operation or coverage becomes effective.

(3) If submitting an application to include an additional facility under previously established evidence of financial responsibility, apply for a Certificate of Financial Responsibility as early as possible before the anticipated date of desired coverage.

(b) Each application for a Certificate of Financial Responsibility must be made on a Coast Guard prescribed Application for Certificate of Financial Responsibility form, available from the Fund Administrator or any Coast Guard District Office. This form must be submitted for each facility; however, if evidence of financial responsibility has been previously established in an amount sufficient to meet § 135.203 (a), no additional evidence need be submitted with the application.

(c) Each application form submitted under this section must be signed by the applicant. A written statement proving authority to sign must also be submitted where the signer is not disclosed as an individual (sole proprietor) applicant, a partner in a partnership applicant, or a director or other officer of a corporate applicant.

(d) Financial data or other information submitted under this section that is proprietary in nature, or constitutes a trade secret, must be clearly designated as such to insure confidential treatment by the Fund Administrator, under 5 U.S.C. 552, the Freedom of Information Act, which provides for exemption from disclosure of trade secret data.

(e) If any of the information submitted for certification is determined by the Fund Administrator to be insufficient the Fund Administrator may require additional information before final consideration of the application.

(f) Certificates, as issued, are to be considered property of the U.S. Government, are not to be altered in any manner, and must be surrendered on demand when revoked in accordance with § 135.223 of this subpart.

(g) Applicants shall obtain a Certificate of Financial Responsibility for each facility.

### § 135.219 Notification of changes affecting certification.

(a) Each owner, operator, or guarantor of an offshore facility shall within ten days notify the Fund Administrator in writing when any changes occur which prevent the owner, operator, or guarantor, from meeting the obligations for which a Certificate of Financial Responsibility has been issued.

(b) Based on notice of a change in financial capability under paragraph (a) of this section, the Fund Administrator may revoke a Certificate of Financial Responsibility.

### § 135.221 Reapplication for certification.

(a) If a Certificate of Financial Responsibility becomes invalid for any reason, an application for a new certificate must be immediately submitted to the Fund Administrator in accordance with § 135.204.

### § 135.223 Certificates, denial or revocation.

(a) A certificate may be denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Fund Administrator in connection with establishing or maintaining evidence of financial responsibility.

(2) Failure of an applicant or certificant to establish or maintain evidence of financial responsibility as required by the regulations in this subpart.

(3) Failure to comply with or respond to inquiries, regulations, or orders of the Fund Administrator concerning establishing or maintaining evidence of financial responsibility.

(4) Failure to timely file the reports or documents required by § 135.213 (c) and (d).

(5) Cancellation or termination of any insurance policy, surety bond, indemnity, or guaranty issued under this subpart or modification thereto which reduces the financial capacity of the applicant or certificant to meet the requirements of this subpart, unless substitute evidence of financial responsibility has been submitted to and accepted by the Fund Administrator.

(b) Denial or revocation of a certificate shall be immediate and without prior notice in a case where the applicant or certificant—

(1) Is no longer the owner or operator of the offshore facility in question;

(2) Fails to furnish acceptable evidence of financial responsibility in support of an application; or

(3) Permits the cancellation or termination of the insurance policy, surety bond, indemnity, or guaranty upon which the continued validity of the certificate is based.

(c) In any other case, before the denial or revocation of a certificate, the Fund Administrator advises the applicant or certificant, in writing, of the intention to deny or revoke the certificate, and shall state the reason therefor.

(d) If the reason for an intended revocation is failure to file the reports or documents required by § 135.213 (c) and (d) the revocation shall be effective 10 days after the date of receipt of the notice of intention to revoke, unless the certificant shall, before revocation, submit the required material or demonstrate that the required material was timely filed.

(e) If the intended denial or revocation is based upon one of the reasons in paragraphs (a)(1) or (a)(3) of this section, the applicant or certificant may request, in writing, a hearing to show that the applicant or certificant is in compliance with this subpart. If the applicant or certificant fails to file a timely request for a hearing, the denial or revocation is effective 10 days after receipt of the notice.

(f) If a request for a hearing under paragraph (e) of this section is received by the Fund Administrator within 10 days after the date of receipt of a notice of intention to deny or revoke, the Fund Administrator grants a hearing and notifies the requesting party of the date, time, and location of the hearing. If a requesting party fails to enter an appearance at the scheduled hearing, or in lieu thereof fails to submit written evidence for the consideration of the hearing official, denial or revocation is effective as of the scheduled date and time of the hearing, unless an extension of time is granted by the Fund Administrator for good cause shown.

(g) Hearings under this section are informal and are conducted by an official designated by the Fund Administrator. The official conducting the hearing considers all relevant material submitted and makes recommendations to the Fund Administrator.

(h) The Fund Administrator's decision is final agency action.

## Subpart D—Notification, Designation, and Advertisement

### § 135.301 Purpose.

(a) This subpart prescribes the requirements concerning notification of pollution incidents, source designation, and advertisement of designations.

### § 135.303 Definitions.

(a) As used in this subpart—

(1) "Advertisement" means the dissemination of information, including methods other than paid advertisements, that advises the public how to contact the designated source of pollution or the Fund to initiate a claim for economic loss.

(2) "Designated source" means a vessel or offshore facility which has been designated by the Commandant as a source of oil pollution.

(3) "Occurrences which pose an imminent threat of oil pollution" means those incidents that are likely to result in a discharge of oil and include, but are not limited to: vessel collisions, grounding or stranding; structural failure in a tank, pipeline or other oil handling system; fire, explosion or other events which may cause structural damage to a vessel or offshore facility.

## NOTIFICATION

### § 135.305 Notification procedures.

(a) The person in charge of a vessel or offshore facility that is involved in an incident, including occurrences which pose an imminent threat of oil pollution shall, as soon as that person has knowledge of the incident, immediately notify by telephone, radio telecommunication or a similar rapid means of communication, in the following order of preference—

(1) (Within or offshore of the 48 contiguous States only) The Duty Officer, National Response Center, U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20590, toll free telephone number 800-424-8802; or

(2) The commanding officer or supervisor of any Coast Guard Marine Safety Office, Captain of the Port Office, Marine Safety Detachment or Port Safety Detachment in the vicinity of the incident; or

(3) The commanding officer or officer in charge of any other Coast Guard unit in the vicinity of the incident; or

(4) The Commander of any Coast Guard District.

(b) Notification given in accordance with this subpart constitutes fulfillment of the requirements of Subpart C of 33 CFR Part 153 concerning Notice of the Discharge of Oil.

### § 135.307 Notification contents.

(a) In each notification provided under § 135.305, the person in charge of the vessel or offshore facility involved in the incident shall provide his or her name and telephone number, or radio call sign, and, to the extent known, the—

(1) Location, date and time of the incident;

(2) Quantity of oil involved;

(3) Cause of the incident;

(4) Name or other identification of the vessel or offshore facility involved;

(5) Size and color of any slick or sheen and the direction of movement;

(6) Observed on scene weather conditions, including wind speed and direction, height and direction of seas, and any tidal or current influence present;

(7) Actions taken or contemplated to secure the source or contain and remove or otherwise control the discharged oil;

(8) Extent of any injuries or other damages incurred as a result of the incident;

(9) Observed damage to living natural resources; and

(10) Any other information deemed relevant by the reporting party or requested by the person receiving the notification.

(b) The person giving notification of an incident must not delay notification to gather all required information and must provide any information not immediately available when it becomes known.

### DESIGNATION

**§ 135.309 Notice of Designation.**

(a) Upon learning of an incident which involves oil pollution, the Commandant designates, where possible, the source of the oil pollution and so notifies the owner, operator and any guarantor.

(b) Designation is made by a written Notice of Designation containing, to the extent known:

(1) The name of the vessel or offshore facility being designated as the source of oil pollution;

(2) The location, date, and time of the incident;

(3) The quantity of oil involved;

(4) The procedures for accepting or denying the designation;

(5) The initial requirements of advertising, if any; and

(6) The name, address and telephone number of the responsible Federal official to whom further communication regarding the incident, advertisement of the incident, or denial of designation should be directed.

**§ 135.311 Denial of designation.**

(a) The owner, operator or guarantor of a designated source may deny a designation within five days after receipt of a written Notice of Designation.

(b) A denial of designation must be in writing and—

(1) Identify the Notice of Designation; and

(2) Be submitted to the official named in the Notice of Designation.

(c) Failure to deny a designation does not, in and of itself, constitute acceptance of liability under the Act for losses resulting from the incident described in the Notice of Designation.

### ADVERTISEMENT

**§ 135.313 Advertisement determinations.**

(a) The Commandant shall determine whether each incident has caused, or is likely to cause, economic loss covered by section 303 (a) of the Act. Where such loss has occurred or is likely to occur, the type, scope, and frequency of advertisement required shall be determined as provided in paragraph (b) of this section.

(b) In making the determination specified in paragraph (a) of this section, the Commandant considers—

(1) The nature and extent of economic losses that have occurred or are likely to occur;

(2) The persons who are likely to incur economic losses;

(3) the geographical area that is or is likely to be affected;

(4) The most effective method of reasonably notifying potential claimants of the designation and procedures for submitting claims; and

(5) Any relevant information or recommendations submitted by the owner, operator or guarantor of the designated source.

(c) The Commandant provides, in writing, the specific requirements for advertising for each pollution incident to the designated representatives of the owner, operator, or guarantor.

**§ 135.315 Types of advertisement.**

(a) Advertisement required by this subpart shall be made by one or more of the following means:

(1) Paid advertisement in a newspaper, or newspapers, having general circulation in the area designated by the Commandant;

(2) A public service announcement on commercial radio and television stations serving the area designated by the Commandant, when such services are available;

(3) Notice posted in marinas, marine supply stores, bait and tackle shops and other appropriate business establishments or public facilities in the area designated by the Commandant;

(4) News release to all newspapers, radio and television stations serving the area designated by the Commandant; and

(5) Publication in the Notice to Mariners.

**§ 135.317 Frequency and geographical scope of advertisement.**

(a) The frequency and geographical coverage of advertisement depends upon the circumstances of each incident and will be specified by the Commandant.

(b) When required, the substance of the required advertisement will be published in at least four successive editions of the Local Notice to Mariners.

### § 135.319 Content of advertisement.

(a) Each advertisement required by this subpart must specify the—

(1) Location, date, and time of the incident;

(2) Geographical area affected, as determined by the Commandant;

(3) Quantity of oil involved;

(4) Name or other description of the source designated by the Commandant;

(5) Identity of the owner, operator or guarantor of the source;

(6) Name, address, telephone number, office hours and work days of the person or persons to whom claims are to be presented and from whom claim information can be obtained.

## Subpart E—Access, Denial, and Detention

### § 135.401 Access to vessel Certificates of Financial Responsibility.

(a) The owner, operator, master or agent of any vessel subject to the Act shall, upon request by any Coast Guard officer or petty officer, permit access to the vessel and produce for examination the Certificate of Financial Responsibility.

### § 135.403 Sanctions for failure to produce vessel Certificates of Financial Responsibility.

(a) The Captain of the Port issues denial or detention orders to the owner, operator, agent, or master of any vessel that cannot show upon request a valid Certificate of Financial Responsibility issued under the Act.

(b) A denial order forbids entry of any vessel subject to the Act to any port or place in the United States or to the navigable waters of the United States.

(c) A detention order detains any vessel subject to the Act at the port or place in the United States from which it is about to depart for any other port or place in the United States.

(d) The Captain of the Port terminates a denial or detention order when the owner, operator, agent, or master of a vessel furnishes adequate evidence that the certification of financial responsibility requirements under the Act have been met.

### § 135.405 Appeal provisions.

(a) The owner, operator, agent or master of a vessel issued a denial or detention order under this subpart may petition the District Commander in any manner to review that order.

(b) Upon completion of review, the District Commander affirms, sets aside, or modifies the order.

(c) Unless otherwise determined by the District Commander a denial or detention order remains in effect pending the outcome of any petition or appeal of that order.

(d) The District Commander acts on all petitions or appeals within 10 days of receipt.

(e) The decision of the District Commander is final agency action.

# PART 136—OFFSHORE OIL POLLUTION COMPENSATION FUND, CLAIMS PROCEDURES

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SOURCE: CGD 77-055, 44 FR 16873, Mar. 19, 1979, unless otherwise noted.

## Subpart A—Introduction

### § 136.1 Purpose.

(a) This part prescribes uniform procedures and standards for the settlement of claims against the Offshore Oil Pollution Compensation Fund (the Fund) for economic loss, including removal costs, resulting from or arising out of oil pollution from certain Outer Continental Shelf activities as authorized by and in accordance with Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372; 43 U.S.C. 1811-1824).

### § 136.3 Information.

(a) Any person who desires to file a claim against the Fund may obtain information from the Administrator, Offshore Oil Pollution Compensation Fund, U.S. Coast Guard Headquarters (G-W/73), 2100 Second Street SW., Washington, D.C. 20593.

### § 136.5 Definitions.

(a) As used in this part, the following terms shall have the same meaning as defined in section 301 of Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372): "claims"; "cleanup costs"; "damages"; "foreign claimant"; "Fund"; "guarantor"; "incident"; "offshore facility"; "oil pollution"; "operator"; "owner"; "person"; "property"; "removal costs"; "State"; "United States"; "United States claimant"; and "vessel".

(b) As used in this part—

(1) "Act" means Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372, 43 U.S.C. 1811-1824), entitled "Offshore Oil Spill Pollution Fund".

(2) "Administrative Law Judge" means any person designated by the Commandant under 5 U.S.C. 3105 and assigned to hear and resolve disputed claims in accordance with section 307 [i] of the Act.

(3) "Commandant" means the Commandant of the Coast Guard or that person's authorized representative.

(4) "Fund Administrator" means the person to whom the authority and functions of the Commandant as administrator of the Fund are delegated.

(5) "Fund Claims Adjuster" means a person authorized to receive, review, adjust, and pay claims on behalf of the Fund.

(6) "Natural resources" means land, fish, wildlife, biota, air, water, and other such resources belonging to, managed by, held in trust by, appertaining to or otherwise controlled by the United States (including the resources of the fishery conservation

zone established by the Fishery Conservation and Management Act of 1976), any state or local government, or any foreign government.

(7) "Oil" means petroleum, including crude oil or any fraction or residue therefrom and natural gas condensate, except that the term does not include natural gas.

(8) "Outer Continental Shelf" means "outer Continental Shelf" as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

(9) "Panel" means a three member panel appointed by the Secretary of Transportation in accordance with section 307(h) of the Act.

### § 136.7 Foreign claims.

(a) Claims may be presented by foreign claimants for economic loss, except for loss of tax revenues, to the same extent that compensation for economic loss may be claimed by any United States claimant when the conditions of section 303(b)(6) of the Act are met.

(b) Foreign claims must be submitted in accordance with the regulations of this part and any additional instructions of the Fund Administrator.

(c) Before any foreign claim may be paid, the Fund Administrator certifies that the foreign claim is appropriate for consideration by the Fund.

## Subpart B—General

### TIMELINESS

### § 136.101 Time limitation on claims.

(a) A claim will not be considered by the Fund unless presented, in writing, to the Fund within three years of discovery of the economic loss for which compensation is sought or within six years of the date of the incident which resulted in the loss, whichever is earlier.

(b) When necessary to meet this section, a claim may be presented to the Fund even though the claim has been presented to and is under consideration by the owner, operator, or guarantor of a designated source, or other person.

(c) A claim is presented on the date the claim is actually received by a Fund Claims Adjuster or Fund Administrator.

### PRESENTMENT

### § 136.103 Federally authorized removal costs.

(a) Claims for federally authorized removal costs incurred under subsection (c), (d), or (l) of section 311 of the Federal Water Pollution Control Act, and section 5 of the Intervention on the High Seas Act must be presented to the fund established by section 311(k) of the Federal Water Pollution Control Act (33 U.S.C. 1251-1376) in accordance with the regulations of Subpart D of 33 CFR, Part 153.

### § 136.105 Other claims.

(a) If the source of pollution is known, claims must be presented to the owner, operator, or guarantor of the source, except where the Fund Administrator has advertised or otherwise notified claimants and potential claimants that the claims may be presented to the Fund.

(b) A claim presented to the owner, operator, or guarantor of the source of pollution which is denied for any reason or not settled by payment within sixty days may be presented to the Fund.

(c) A claim may be presented to the Fund when the source of pollution is not known.

### § 136.107 Presenting claims to the Fund.

(a) A claimant must present a claim to the Fund by making the claim personally at, or by delivering or mailing the claim directly to the Fund Claims Adjuster, if known. If the Fund Claims Adjuster is not known, the claim may be submitted to the Fund Administrator who will forward it to the appropriate adjuster.

### § 136.109 Referral of unsettled claims.

(a) A claimant may present any claim not satisfied under § 136.105(b) by requesting the owner, operator, or guarantor to whom the claim has been presented to refer the claim to the Fund.

(b) The owner, operator, or guarantor shall, within seven days of receiving a request under paragraph (a) of this section, forward the entire claim file directly to the Fund Claims Adjuster specified by the Fund Administrator.

### § 136.111 Form.

(a) A claim must be in writing and include the amount claimed.

(b) Whenever practicable, a claimant should submit a claim in the format specified and on the forms provided by the Fund Claims Adjuster.

(c) Each claim must be signed in ink by the claimant or an authorized agent or legal representative of the claimant.

(d) A claim presented by an agent or legal representative must be presented in the name of the claimant, showing the title or legal capacity of the agent or representative.

### § 136.113 Subrogation.

(a) The claims of subrogor (insured) and subrogee (insurer) for damages arising out of the same incident constitute a single claim.

(b) A subrogor and subrogee may file a claim jointly or individually. If a joint claim is made, it must be signed by all parties in interest.

(c) A fully subrogated claim is payable only to the subrogee.

(d) A subrogee must support a claim in the same manner as any other claimant.

## CONTENTS

### § 136.115 Proof.

(a) A claimant seeking damages must establish—

(1) The nature and extent of economic loss incurred;

(2) When and how the economic loss was incurred;

(3) That the cause of the economic loss was oil pollution;

(4) That the source of the oil pollution was an offshore facility or vessel; and

(5) The actions taken to avoid or minimize the effects of the oil pollution.

(b) A claimant seeking cleanup costs must establish that the cleanup costs incurred were the consequence of or in response to an incident.

### § 136.117 Evidence.

(a) A claimant must submit evidence in support of each claim.

(b) A sworn statement of the claimant may be accepted when other evidence is not available.

### § 136.119 Multiple items of damage.

(a) A claimant must include all known losses arising out of a single incident or from the same oil pollution when submitting a claim.

(b) Each separate type of loss (as described in Subpart C of this part) must be separately listed.

(c) In the discretion of the Fund Administrator each separate type of loss may be treated separately for settlement purposes.

### § 136.121 Insurance.

(a) A claimant must provide the following information concerning any insurance owned by the claimant which may cover the loss for which compensation is claimed.

(1) The names and addresses of insurers;

(2) The kind and amount of coverage;

(3) The policy number;

(4) Whether a claim has been or will be presented to an insurer, and if so, the amount of the claim and the name of the insurer; and

(5) Whether any insurer has paid the claim in full or in part, or has indicated whether or not payment will be made.

### § 136.123 Other compensation.

(a) A claimant must include with each claim an accounting, including source and value, of all other compensation received as a consequence of the incident out of which the claim arises including, but not limited to, monetary payments, goods or services, or other benefits.

### § 136.125 Costs incident to claim preparation.

(a) Costs necessarily incurred in the preparation of a claim may be included in the claim.

(b) Compensation may be allowed for reasonable, necessary, costs of claim preparation.

SETTLEMENT AND NOTICE TO CLAIMANT

### § 136.127 Payment.

(a) Payment is made as soon as possible when a claim is approved in full or an offer of settlement is accepted.

(b) Whenever a claim is not approved in full, the claimant is notified in writing of the settlement offer. Acceptance of the settlement offer must be in writing.

(c) The acceptance of an offer in settlement is final and conclusive for all purposes and, upon payment, constitutes a release of the Fund for the claim.

(d) Failure to accept an offer of settlement within thirty days constitutes rejection of the offer.

### § 136.129 Denial of claim.

(a) A claimant will be notified in writing whenever a claim against the Fund is denied, including when denial results from rejection, by the claimant, of an offer of settlement.

(b) The notification of paragraph (a) of this section includes a statement of the claimants right to further review of the claim.

(c) A claimant may consider a claim not settled within sixty days of receipt by a Fund Claims Adjuster as being denied for purposes of administrative review.

## Subpart C—Procedures for Particular Losses

INJURY TO, DESTRUCTION OF OR LOSS OF USE OF PROPERTY

### § 136.201 Authorized claimants.

(a) A claim for injury to or destruction of real or personal property, which may include loss of use of the property, or a claim for loss of use of real or personal property which is not damaged, may be presented by any person either owning or leasing the property.

### § 136.203 Proof.

(a) A claimant must establish an ownership, rental, or leasehold interest in the property.

(b) For each claim for injury to, or destruction of, property the claimant must establish—

(1) That the property was injured or destroyed;

(2) The cost of repair or replacement; and

(3) The value of the property both before and after injury occurred, if the cost of repairs exceeds replacement cost.

(c) For each claim for loss of use of property, the claimant must establish—

(1) That the property was not available for use;

(2) Whether or not substitute property was available and utilized, and the costs thereof; and

(3) The economic loss incurred as a result of the loss of use of the property.

### § 136.205 Compensation allowed.

(a) The measure of damages for injured property is the actual or estimated net cost of repairs necessary to restore the property to substantially the condition which existed immediately before injury.

(b) If the actual or estimated net cost of repairs exceeds the value of the property immediately before injury less the value immediately after injury, the measure of damages is the value of the property immediately before injury less the value immediately after injury.

(c) Compensation for loss of use of property may be allowed for reasonable costs, actually incurred, for use of substitute property or, if substitute property was not reasonably available, for the amount of the net economic loss which resulted from not having use of the property. When substitute property was reasonably available, but not used, compensation for loss of use is not payable.

LOSS OF INCOME DUE TO INJURY TO, OR DESTRUCTION OF, PROPERTY OR NATURAL RESOURCES

### § 136.207 Authorized claimants.

(a) A claim for loss of profits or impairment of earning capacity due to injury to, or destruction of, real or personal property or natural resources may be presented by any person deriving at least 25 per cent of his or her annual income from activities which utilize, or are related to the utilization of, the property or natural resource.

(b) A person who either owns or leases property which is injured or destroyed is not a proper claimant under paragraph (a) of this section. That person should claim under § 136.201.

(c) A person who uses natural resources directly is not a proper claimant under paragraph (a) of this section. That person should claim under § 136.219.

### § 136.209 Proof.

(a) The claimant must establish—

(1) That property or natural resources have been injured or destroyed;

(2) That 25 per cent of the claimant's income, on an annual basis, is derived from activities which utilize, or are related to the utilization of, the injured or destroyed property or natural resources;

(3) That the claimant's income from these activities was reduced as a consequence of injury or destruction of the property or natural resources; and

(4) Whether or not substitute employment, or business, was available and undertaken and, if so, the amount of income received.

### § 136.211 Compensation allowed.

(a) Compensation is limited to the reduction or loss of earnings or profits suffered but is not allowed for lost employment or business when appropriate substitute employment or business was available but not undertaken.

(b) If substitute employment or business was undertaken, any resulting reduction in earnings or profits may be allowed.

## INJURY TO, OR DESTRUCTION OF, NATURAL RESOURCES

### § 136.213 Authorized claimants.

(a) A claim for injury to, or destruction of, natural resources may be presented by—

(1) A Federal agency designated by the President, as trustee, for those natural resources over which the United States has sovereign rights or exercises exclusive management authority; or

(2) Any State, for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State.

### § 136.215 Proof.

(a) A claimant must establish—

(1) The identification and quantity of the natural resource for which compensation is claimed;

(2) The nature and extent of the injury to the natural resource;

(3) The cost to restore or replace the natural resource; and

(4) Any economic loss relating to the natural resource which would not be recovered by replacement or restoration.

### § 136.217 Compensation allowed.

(a) The amount of compensation is based on—

(1) The cost to restore, rehabilitate, or acquire the equivalent of the natural resource; and

(2) Any additional associated economic loss actually suffered.

## LOSS OF USE OF NATURAL RESOURCES

### § 136.219 Authorized claimants.

(a) A claim for loss of use of natural resources may be presented by any person who incurs economic loss as a result of not being able to directly use any natural resource.

### § 136.221 Proof.

(a) A claimant must establish—

(1) The identification of the natural resource for which compensation for loss of use is claimed;

(2) The activity which the loss of use of the natural resource prevented or affected;

(3) An explanation of how the use of the natural resource was affected;

(4) Alternatives to the activity and whether or not utilized, and if so, how, and with what result; and

(5) The economic loss suffered.

### § 136.223 Compensation allowed.

(a) The amount of compensation allowed is the net economic loss incurred except that compensation is not allowed to the extent that reasonable alternatives to the affected activity were available but not utilized.

### CLEANUP COSTS

### § 136.225 Authorized claimants.

(a) A claim for cleanup costs may be presented by any person.

### § 136.227 Proof.

(a) A claimant must establish—

(1) The actions taken to prevent, minimize, or mitigate oil pollution;

(2) The costs and other economic loss incurred as a result of these actions; and

(3) Why the actions were taken.

### § 136.229 Compensation allowed.

(a) The amount of compensation allowed is the total of reasonable costs and other economic loss incurred.

(b) Except for action taken with respect to property owned, leased, or otherwise subject to the supervision management, or use of the claimant, voluntary actions will not ordinarily be compensated.

### LOSS OF TAX REVENUE DUE TO INJURY TO PROPERTY

### § 136.231 Authorized claimants.

(a) A claim for loss of tax revenue may be presented on behalf of the United States, or any State or political subdivision thereof with authority to assess and collect taxes, by the official charged with the responsibility and authority for collecting these taxes.

### § 136.233 Proof.

(a) A claimant must establish—

(1) The identification and description of the tax for which compensation is claimed, including authority and regulations, property affected, method of assessment, rate, and method and dates of collection;

(2) That a consequence of the oil pollution was a reduction in tax revenue;

(3) The total tax assessment or tax revenue collected for the tax period before injury occurred; and

(4) The net loss of revenue.

### § 136.235 Compensation allowed.

(a) The amount of compensation allowed is the total tax revenue actually lost during the one year period following the oil pollution incident.

## Subpart D—Administrative Review of Claims

### § 136.301 General.

(a) Administrative review of the denial of a claim is either by panel or administrative law judge in accordance with the Administrative Procedure Act (5 U.S.C. 554), section 307 of the Act, and these regulations.

### § 136.303 Initiation of administrative review.

(a) A claimant must initiate review of a claim by written notice, within 30 days of the denial of a claim, to the Fund Administrator, for forwarding to the Commandant.

(b) Upon receipt of a request for review of a claim the Commandant refers the claim to an administrative law judge or recommends to the Secretary of Transportation that the claim be referred to a panel. If the Secretary does not refer the claim to a panel, the claim is returned to the Commandant for referral to an administrative law judge. The Commandant notifies the claimant of the action taken.

(c) The Fund Administrator may reconsider any claim at any time before a claim is referred to an administrative law judge or panel.

### § 136.305 Procedures.

(a) The administrative law judge, or presiding officer of a panel, is responsible for all proceedings for review of a claim and, may—

(1) Administer oaths and affirmations;

(2) Issue subpenas;

(3) Adopt procedures for the submission of evidence;

(4) Rule on offers of proof and receive evidence;

(5) Dispose of procedural requests and similar matters; and

(6) Convene, recess, reconvene, adjourn, and otherwise regulate the hearing.

(b) An informal preliminary conference is held, in advance of the hearing, presided over by the administrative law judge, or presiding officer, to narrow the issues and otherwise discuss the specific matters in dispute.

(c) A verbatim record is made of the hearing. A transcript is not prepared unless either an appeal is taken or the administrative law judge, or presiding officer, specifically so orders. If a transcript is either required or desired for further review of the claim the moving party must order and pay for the original transcript for use by the reviewer. The parties are responsible for obtaining copies of the transcript for their own use.

(d) The administrative law judge, or panel, promptly renders a decision following the close of the proceedings.

(e) The decision of the administrative law judge, or panel, constitutes final agency action, unless, within 30 days of the decision, review under § 136.309 has been directed.

### § 136.307 Subpenas.

(a) The administrative law judge, or presiding officer, may issue subpenas for the attendance and the giving of testimony by witnesses or for the production of any relevant evidence either upon motion by the administrative law judge, or presiding officer, or upon request of either the claimant or Fund.

(b) Each subpena bears the name "Offshore Oil Pollution Compensation Fund" and the name and address of the issuing administrative law judge or presiding officer and commands the person to whom it is directed to testify at a specified time and place or to produce at a specified time and place books, papers, documents, or any other evidence described in the subpena with the particularity necessary to identify what is desired.

(c) Service of a subpena shall be by personal service, or by certified mail with return receipt to be signed by the addressee only. Proof of service, or an explanation of the lack of service, shall consist of appropriate endorsement upon a copy of the subpena, and shall be delivered to the administrative law judge, or presiding officer.

(d) The person to whom a subpena is directed may apply to the administrative law judge, or presiding officer, in writing, to request that the subpena be quashed or modified. The administrative law judge, or presiding officer, promptly considers and rules on the request. The request must be made at least five days before appearance is required or documents must be produced.

(e) Subpenaed witnesses are entitled to the same fees and mileage allowance as witnesses subpenaed by District Courts of the United States. These witness expenses are reimbursable by the Fund, to be paid by the Fund Administrator, if and when certified by the administrative law judge, or presiding officer, as costs necessary to settle claims against the fund.

(f) If the administrative law judge, or presiding officer, rules that good cause has been shown for seeking judicial enforcement of a subpena, the ruling is referred to the United States District Court for enforcement.

### § 136.309 Review of administrative determination.

(a) Either the claimant or the Fund may petition the Secretary of Transportation, in the case of administrative review by panel, or the Commandant, in the case of administrative review by administrative law judge, for further review. Review is granted at the discretion of the Secretary or Commandant, as appropriate.

(b) A petition under paragraph (a) of this section must—

(1) Be in writing;

(2) Be made within 15 days of the decision of the administrative body; and

(3) Specify the issues in dispute and the basis for the appeal.

(c) Either the Secretary of Transportation, for a claim reviewed by a panel, or the Commandant, for a claim reviewed by an administrative law judge, may, on their own initiative, review the decision of the administrative body.

# SUBCHAPTER N—ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

## PART 140—GENERAL PROVISIONS

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140.20-1 Responsibility for enforcement.
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**Subpart 140.25—Appeals and Judicial Review**

140.25-1 Right of appeal.
140.25-5 Judicial review.

AUTHORITY: Sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 633, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2) and (f).

SOURCE: CGFR 56-4, 21 FR 901, Feb. 9, 1956, unless otherwise noted.

### Subpart 140.01—Authority and Purpose

#### § 140.01-1 Purpose of regulations.

(a) The regulations in this subchapter are requirements with respect to safety equipment and other matters relating to the promotion of safety of life and property on the artificial islands and fixed structures located on the outer continental shelf.

(b) These provisions are established to implement section 4(e)(1) of the Outer Continental Shelf Lands Act (sec. 4, 67 Stat. 462; 43 U.S.C. 1333), which reads as follows:

> The head of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the islands and structures referred to in subsection (a) or on the waters adjacent thereto, as he may deem necessary.

#### § 140.01-5 Assignment of functions.

(a) The Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950, 49 U.S.C. 1651-1659), transferred to and vested in the Secretary of Transportation "* * * all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury, and of other officers and offices in the Department of the Treasury" (subsection 6(b)(1), 49 U.S.C. 1655(b)), which included all functions, powers, and duties pertaining to artificial islands and fixed structures located on the outer continental shelf as set forth in 43 U.S.C. 1333. This transfer is subject to certain conditions, modifications, and exceptions as set forth in the Department of Transportation Act. By rules in 49 CFR 1.4(a) and (f) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in such Act (49

U.S.C. 1655) subject to conditions, exceptions and modifications as described in 49 CFR Part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 FR 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

[CGFR 68-154, 33 FR 18626, Dec. 17, 1968]

## Subpart 140.05—Application

### § 140.05-1 Artificial islands and fixed structures.

This subchapter shall be applicable to all artificial islands and fixed structures located on the outer Continental Shelf which are directly or indirectly used in connection with the exploration, production, storage, etc. (including drilling and testing), of natural resources of the subsoil and seabed of the outer Continental Shelf. The phrase "artificial islands and fixed structures" includes both mobile and built-up platforms, whether manned or unmanned, and whether or not attended or serviced by vessels. The term "natural resources" includes oil, gas, petroleum, minerals, etc., which may be removed from the subsoil and seabed of the outer Continental Shelf.

### § 140.05-5 Scope of requirements.

(a) This subchapter pertains to special safety construction features required, emergency equipment, lifesaving appliances, fire-fighting equipment, emergency operation procedures, and special inspections thereof by the Coast Guard. These requirements will be enforced after construction or erection of the artificial islands or fixed structures is completed.

(b) The lights and warning devices required for artificial islands and fixed structures shall be provided and maintained in accordance with requirements now in effect or which may hereafter be established in Parts 60 to 76, inclusive (Subchapter C—Aids to Navigation), of this chapter. The vessels in attendance shall display lights and signals in accordance with the Regulations for Preventing Collisions at Sea, 1960 (33 U.S.C. 1061-1094), or the local rules established in accordance with Rule 30 thereof, as appropriate.

(c) The regulations in this subchapter shall not apply to operating equipment used and employed, nor to the methods and operations used, in the drilling for and the production of oil, gas, petroleum, or other subsoil minerals, nor to the transportation thereof by pipeline.

[CGFR 56-4, 21 FR 901, Feb. 9, 1956, as amended by CGFR 68-154, 33 FR 18626, Dec. 17, 1968]

### § 140.05-10 Effective date of regulations.

The regulations in this subchapter shall become effective on and after July 1, 1956. These requirements shall supersede all interim instructions or temporary requirements issued which are in conflict therewith.

### § 140.05-15 Amendments or additions to regulations.

The right is reserved to alter, amend, cancel, or add to the regulations in this subchapter. However, any additions, cancellations, or amendments shall not be retroactive in effect unless specifically provided for at the time and a reasonable period for compliance will be permitted. Except in an emergency, ninety days will be allowed before amendments or new requirements will become effective.

### § 140.05-20 Separability of regulations.

If any provision of the regulations in this subchapter, or the application of such provision to any person, firm, company, or corporation, or to any artificial island or fixed structure, shall be held invalid, the validity of the remainder of the regulations in this subchapter and the applicability of such provisions shall not be affected thereby.

## Subpart 140.10—Definitions of Terms Used in This Subchapter

### § 140.10-1 Approved.

This term means approved by the Commandant unless otherwise stated.

### § 140.10-5 Artificial island or fixed structure.

This term means a building or platform secured to the seabed by fixed means or submerged onto the seabed so that for all practical purposes it becomes stationary. This includes both mobile and built-up platforms.

### § 140.10-10 Attending vessel.

This term means a vessel moored close to and readily accessible to an artificial island or fixed structure, which is especially adapted to providing power, fuel, and/or other services pertaining to the operation being conducted on such artificial island or fixed structure.

### § 140.10-15 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within a particular Coast Guard district, which includes the inspections, enforcement, and administration of regulations governing artificial islands and fixed structures located on the outer continental shelf.

### § 140.10-20 Commandant.

This term means the Commandant of the Coast Guard.

### § 140.10-25 Manned platform.

This term means an artificial island or fixed structure which, after completion of erection, is actually and continuously occupied by persons living and accommodated thereon.

### § 140.10-30 Mobile platform.

This term means an artificial island or fixed structure, which includes as an integral part of itself features which permit it to be moved as an entity from position to position and to be fixed to or submerged onto the seabed.

### § 140.10-35 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant, and who, under the superintendence of the Coast Guard District Commander is in charge of a marine inspection zone, shall be immediately responsible for the performance of duties with respect to inspections, enforcement, and administration of regulations governing artificial islands and fixed structures.

### § 140.10-40 Party.

This term means a person, firm, company, or corporation. This includes the owner of the artificial island or fixed structure, his agent, and the person in charge of an artificial island or fixed structure.

### § 140.10-45 Unmanned platform.

This term means an artificial island or fixed structure which is not a manned platform. This includes an artificial island or fixed structure which is continuously serviced by an attending vessel.

## Subpart 140.15—Equivalents and Approved Equipment

### § 140.15-1 Conditions under which equivalents may be used.

The use of alternate equipment, apparatus, or arrangements for those specified in this subchapter may be permitted by the Commandant to such extent and upon conditions as will insure a degree of safety comparable to or above the minimum standards set forth in this subchapter.

### § 140.15-5 Equipment of an approved type.

(a) Where equipment in this subchapter is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER and in addition are contained in Coast Guard publication CG-190, "Equipment Lists."

(b) Specifications for many of the items required to be of an approved type have been prescribed by the Commandant and are contained in Parts 160 to 164, inclusive, in Subchapter Q—Specifications in 46 CFR Chapter I. In general such specifications are of interest only to the manufacturer of specific items of equipment.

## Subpart 140.20—Enforcement

**§ 140.20-1 Responsibility for enforcement.**

The Coast Guard District Commander has general responsibility for and superintendence over the inspections, enforcement, and administration of the regulations in this subchapter within his assigned district. Under the general superintendence of the Coast Guard District Commander, it is the responsibility of the Officer in Charge, Marine Inspection, within his marine inspection zone, to perform or have performed the inspections, enforcement, and administration of the regulations in this subchapter. To accomplish these purposes, authority to perform these functions is hereby delegated to the Coast Guard District Commanders and Officers in Charge, Marine Inspection, within their respective districts and marine inspection zones. This authority may be redelegated as necessary to any person from the civilian or military branch of the Coast Guard assigned to work for such official.

**§ 140.20-5 Penalty.**

The penalty for any violation of the regulations in this subchapter is in section 4(e)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333) and reads as follows:

> Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued hereunder shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

## Subpart 140.25—Appeals and Judicial Review

**§ 140.25-1 Right of appeal.**

(a) Any party interested in or aggrieved by any decision or action of the Officer in Charge, Marine Inspection, may appeal therefrom to the Coast Guard District Commander of the District in which the action or decision was made. A further appeal may be made to the Commandant, U.S. Coast Guard, from the decision of the District Commander. Any party interested in or aggrieved by any decision or action of the Coast Guard District Commander may appeal therefrom to the Commandant, U.S. Coast Guard.

(b) Appeals from decisions or actions of the Officer in Charge, Marine Inspection, to the Coast Guard District Commander shall be made in writing within 30 days after the decisions or actions appealed from shall have been rendered or taken. Such an appeal shall set forth the decision or action appealed from and the reasons why the decision or action should be set aside or revised. Appeals from the decisions or actions of the Coast Guard District Commander to the Commandant shall be made in writing within 30 days after the decisions appealed from shall have been rendered.

(c) Pending the determination of the appeal the initial decision or action of the Officer in Charge, Marine Inspection, or the initial decision or action of the Coast Guard District Commander shall remain in effect. The decision of the Commandant is final.

**§ 140.25-5 Judicial review.**

Nothing in this subchapter shall be so construed as to prevent any party from seeking a judicial review of the regulations in this subchapter or any decision or action taken pursuant thereto. Section 4(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333) provides that United States district courts shall have original jurisdiction of cases and controversies arising under this act.

# PART 142—INSPECTIONS

Sec.
142.01 Application.
142.05 Inspection requirements.
142.10 Scope of inspections.
142.15 Deficiencies.
142.20 Authority to perform inspections.

AUTHORITY: Sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462; 14 U.S.C. 633, 43 U.S.C. 1333.

SOURCE: CGFR 56-4, 21 FR 902, Feb. 9, 1956, unless otherwise noted.

### § 142.01 Application.

The provisions of this part shall apply to all artificial islands and fixed structures located on the outer continental shelf.

### § 142.05 Inspection requirements.

The Officer in Charge, Marine Inspection, will perform, or have performed, the inspections of artificial islands or fixed structures within his area of jurisdiction to determine that the requirements in this subchapter are met. These inspections will be at such time or times as he may deem necessary.

### § 142.10 Scope of inspections.

In the inspection of an artificial island or a fixed structure, the person assigned will inspect the lifesaving appliances, firefighting equipment, emergency equipment, observe emergency drills (if necessary), and otherwise satisfy himself that all provisions of the regulations in this subchapter have been complied with and that the emergency equipment is in good condition and satisfactory in every respect.

### § 142.15 Deficiencies.

Any deficiency will be reported to the owner. The owner shall have the deficiency corrected as soon as practicable. Any equipment required by the regulations in this subchapter found to be deficient or unsatisfactory by the person performing an inspection will be condemned. Such condemend equipment shall be repaired or replaced as soon as practical. Condemned lifesaving or firefighting equipment, which cannot be satisfactorily repaired, shall be so mutilated that it cannot be used for the purpose for which it was originally intended.

### § 142.20 Authority to perform inspections.

Persons assigned to this work may at any time lawfully inspect an artificial island or fixed structure.

# PART 143—CONSTRUCTION AND ARRANGEMENT

#### Subpart 143.01—General

Sec.
143.01-1 Application.
143.01-5 Scope of requirements.

#### Subpart 143.05—Means of Escape

143.05-1 Type.
143.05-5 Number and type required.
143.05-10 Accessability and location.

#### Subpart 143.10—Personnel Landings

143.10-1 Manned platforms.
143.10-5 Illumination.

#### Subpart 143.15—Guards and Rails

143.15-1 Floor or deck areas and openings.
143.15-5 Catwalks and stairways.

AUTHORITY: Sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462; 14 U.S.C. 633, 43 U.S.C. 1333.

SOURCE: CGFR 56-4, 21 FR 902, Feb. 9, 1956, unless otherwise noted.

## Subpart 143.01—General

### § 143.01-1 Application.

The provisions of this part apply to all artificial islands and fixed structures.

### § 143.01-5 Scope of requirements.

No requirements are established with respect to the construction and arrangement of artificial islands and fixed structures except as necessary to comply with safety requirements contained in this subchapter.

## Subpart 143.05—Means of Escape

SOURCE: CGFR 6[illegible], 27 FR 3390, Apr. 10, 1962, unless other[illegible] noted.

### § 143.05-1 Type.

(a) "Primary means of escape" shall be fixed stairways or fixed ladders of metal construction.

(b) "Secondary means of escape" shall be types approved for "primary means of escape" or portable, flexible ladders, knotted man ropes, and other devices satisfactory to the Officer in Charge, Marine Inspection.

**§ 143.05-5 Number and type required.**

(a) Manned platforms shall be provided with at least two "primary means of escape" extending from the uppermost platform level that contains living quarters or that personnel occupy continuously, to each successively lower working level and to the water surface. Working levels without living quarters, shops, or offices in manned platform structural appendages, extensions, and installations that personnel occupy only occasionally shall be provided with one "primary means of escape" and, when necessary in the opinion of the Officer in Charge, Marine Inspection, one or more "secondary means of escape."

(b) Unmanned platforms shall be provided with at least one "primary means of escape" extending from the uppermost platform working level to each successively lower working level and to the water surface. When personnel are on board, unmanned platforms shall also be provided with one or more "secondary means of escape," but not more than one will be required for every 10 persons extending from the uppermost working level of the platform to each successively lower working level and to the water surface, excluding platform appendages and installations, unless "secondary means of escape" from such appendages and installations are necessary in the opinion of the Officer in Charge, Marine Inspection.

**§ 143.05-10 Accessibility and location.**

(a) "Means of escape" shall be suitably accessible to personnel for rapid platform evacuation.

(b) When two or more "means of escape" are installed, at least two shall be located as nearly diagonally opposite each other as practicable unless such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

## Subpart 143.10—Personnel Landings

**§ 143.10-1 Manned platforms.**

Sufficient personnel landings shall be provided on each manned platform to assure safe access and egress. When due to special construction personnel landings are not feasible, then suitable transfer facilities to provide safe access and egress shall be installed.

**§ 143.10-5 Illumination.**

The personnel landings shall be provided with satisfactory illumination. The minimum shall be one-foot candle of artificial illumination as measured at the landing floor and guards and rails.

## Subpart 143.15—Guards and Rails

**§ 143.15-1 Floor or deck areas and openings.**

(a) Except for helicopter landing decks which are provided for in paragraph (b) of this section, and areas not normally occupied, the unprotected perimeter of all floor or deck areas and openings shall be rimmed with guards and rails or wire mesh fence. The guard rail or fence shall be at least 42 inches high. The two intermediate rails shall be so placed that the rails are approximately evenly spaced between the guard rail and the floor or deck area: *Provided*, That if a toe board is installed then one of the intermediate rails may be omitted and the other rail placed approximately half way between the top of the toe board and the top guard rail.

(b) The unprotected perimeter of the helicopter landing deck shall be protected with a device of sufficient strength and size as to prevent any person from falling from such deck.

**§ 143.15-5 Catwalks and stairways.**

Each catwalk and each stairway shall be provided with a suitable guard rail or rails, as necessary.

# PART 144—LIFESAVING APPLIANCES

### Subpart 144.01—Manned Platforms

Sec.

144.01-1 Life floats.
144.01-5 Location and launching of life-floats.
144.01-10 Equipment for life floats.
144.01-15 Alternates for life floats.
144.01-20 Life preservers.
144.01-25 Ring life buoys.
144.01-30 First-aid kit.
144.01-35 Litter.

Sec.
144.01-40 Emergency communications equipment.

**Subpart 144.10—Unmanned Platforms**

144.10-1 Lifesaving equipment.
144.10-10 Other lifesaving equipment.

AUTHORITY: Sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

SOURCE: CGFR 56-4, 21 FR 903, Feb. 9, 1956, unless otherwise noted.

## Subpart 144.01—Manned Platforms

### § 144.01-1 Life floats.

Each manned platform shall be provided with at least two approved life floats. The life floats shall have sufficient capacity to accommodate all persons present at any one time.

### § 144.01-5 Location and launching of life floats.

The life floats shall be distributed in accessible locations and mounted on the outboard sides of the working platform in such a manner as to be readily launched.

### § 144.01-10 Equipment for life floats.

(a) Each lifefloat shall be provided with a painter. This painter shall be a manila rope not less than 2¾ inches in circumference and of a length not less than three times the distance from the deck where the lifefloat is stowed to the low water line. Alternatively, the painter may be of other material provided it has equal strength to the size of manila rope specified and is not less than ½ inch in diameter.

(b) An approved electric waterlight, constructed in accordance with 46 CFR Subpart 161.001 or 161.010 of Subchapter Q (Specifications), shall be provided for each life float. Waterlights constructed in accordance with 46 CFR Subpart 161.001 of Subchapter Q shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The waterlight shall be attached to the life float by a lanyard not less than 1 fathom nor more than 2 fathoms in length. The waterlight shall be mounted in a bracket so that when the life float is launched the waterlight will pull free of the bracket.

(c) Two paddles shall be provided for each life float. The paddles shall not be less than five feet nor more than six feet long. The paddles shall be stowed in such a way that they will be readily accessible from either side of the life float when in the water.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGFR 66-44, 31 FR 10612, Aug. 9, 1966; CGFR 69-89, 34 FR 17479, Oct. 29, 1969]

### § 144.01-15 Alternates for life floats.

(a) Approved lifeboats, approved life rafts or approved inflatable life rafts may be used in lieu of approved life floats for either all or part of the capacity required. When either lifeboats or life rafts are used approved means of launching will be required. Inflatable life rafts, when used, shall be distributed and mounted as required for life floats under § 144.01-5.

(b) The equipment required for a lifeboat is a bailer, boat hook, bucket, hatchet, lantern, life line, two life preservers, matches, full complement of oars and steering oar, painter, plug, and rowlocks, of the same type, kind, and character as required for lifeboats carried on vessels engaged in navigating bays, sounds, and lakes other than the Great Lakes, and rivers.

(c) The equipment required for a life raft is a boat hook, life line (if not a Type A life raft), full complement of oars and steering oar, painter, and rowlocks of the same type, kind, and character as required for life rafts carried on cargo and miscellaneous vessels navigating on bays, sounds, and lakes other than the Great Lakes.

(d) Inflatable life rafts shall be equipped for "Limited Service" in accordance with Subpart 160.051 of Subchapter Q (Specifications) of 46 CFR Chapter I.

NOTE: Subpart 160.051 of Subchapter Q (Specifications) of 46 CFR Chapter I requires the servicing of inflatable life rafts every 12 months at approved servicing facilities. Included in this servicing at an approved facility is a complete inspection of the required equipment by a marine inspector.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by 25 FR 10132, Oct. 25, 1969]

### § 144.01-20 Life preservers.

(a) An approved life preserver shall be provided for each person on a manned platform. The life preservers shall be located in easily accessible places.

(b) On or before July 1, 1963, all kapok and fibrous glass life preservers which do not have plastic-covered pad inserts shall be removed from service.

[CGFR 60-35, 25 FR 10132, Oct. 25, 1960]

### § 144.01-25 Ring life buoys.

(a) At least four approved ring life buoys shall be placed on each manned platform. One ring life buoy shall be placed in a suitable rack on each side of a manned platform in an accessible place. The ring life buoy shall always be capable of being cast loose, and shall not be permanently secured in any way.

(b) An approved electric waterlight, constructed in accordance with 46 CFR Subpart 161.001 or 161.010 of Subchapter Q (Specifications), shall be provided for each ring life buoy. Waterlights constructed in accordance with 46 CFR Subpart 161.001 of Subchapter Q shall not be installed after December 31, 1971, but may be retained in existing installations as long as they are maintained in good condition. The waterlight shall be attached to the ring life buoy by a lanyard not less than 3 feet or more than 6 feet in length. The waterlight shall be mounted in a bracket near the ring life buoy so that when the ring life buoy is cast loose the waterlight will pull free of the bracket.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGFR 69-89, 34 FR 17479, Oct. 29, 1969]

### § 144.01-30 First-aid kit.

On each manned platform a first-aid kit approved by the Commandant or the U.S. Bureau of Mines shall be provided and kept in the custody of the person in charge.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGD 73-177R, 40 FR 8176, Feb. 26, 1975]

### § 144.01-35 Litter.

On each manned platform a Stokes litter, or other suitable safety litter capable of being safely hoisted with an injured person, shall be provided and kept in an accessible place.

[CGFR 68-154, 33 FR 18626, Dec. 17, 1968]

### § 144.01-40 Emergency communications equipment.

On manned platforms means of communication by radio and/or wire telephone shall be provided for contacting the shore or vessels in the vicinity for aid in the event of an emergency.

## Subpart 144.10—Unmanned Platforms

Source: CGD 73-177R, 40 FR 8176, Feb. 26, 1975, unless otherwise noted.

### § 144.10-1 Lifesaving equipment.

(a) Except as allowed in paragraph (b) of this section, no person may be on an unmanned platform unless the following lifesaving equipment is readily accessible on the platform:

(1) A life preserver or a Type I—Personal flotation device, listed in Table 1, for each person.

TABLE 1—LIFE PRESERVERS AND EQUIVALENT PERFORMANCE FLOTATION DEVICES

| *Devices marked* | *Equivalent to performance type marked* |
|---|---|
| 160 002 Life preserver | Type I—Personal flotation device |
| 160 003 Life preserver | Type I—Personal flotation device |
| 160 004 Life preserver | Type I—Personal flotation device |
| 160 005 Life preserver | Type I—Personal flotation device |
| 160 055 Life preserver | Type I—Personal flotation device |

(2) A ring life buoy with an attached floating electric water light constructed and marked in accordance with 46 CFR Subpart 161.010, or a Type IV—Personal flotation device, listed in Table 2, with the same attachment, for every two persons, but no more than 4 devices are required.

TABLE [illegible]—RING LIFE BUOYS AND EQUIVALENT PERFORMANCE FLOTATION DEVICES

| Devices marked | Equivalent to performance type marked |
|---|---|
| 160.009 Ring life buoy | Type IV—Personal flotation device |
| 160.050 Ring life buoy | Type IV—Personal flotation device |

(b) The ring life buoys required in paragraph (a)(2) of this section may be kept on a manned vessel that remains alongside the platform if there is no available space to keep them on the platform.

### § 144.10-10 Other lifesaving equipment.

Any lifesaving equipment on an unmanned platform that is not required in § 144.10-1 must meet the standards contained in Subpart 144.01 of this Part.

## PART 145—FIRE-FIGHTING EQUIPMENT

Sec.
145.01 Portable and semi-portable fire extinguishers.
145.05 Classification of fire extinguishers.
145.10 Locations and number of fire extinguishers required.

AUTHORITY: Sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462; 14 U.S.C. 633, 43 U.S.C. 1333.

SOURCE: CGFR 56-4, 21 FR 903, Feb. 9, 1956, unless otherwise noted.

### § 145.01 Portable and semi-portable fire extinguishers.

On all manned platforms and on all unmanned platforms where crews are continuously working on a 24-hour basis, approved type portable fire extinguishers and/or approved type semi-portable fire extinguishers shall be installed and maintained. On all unmanned platforms where crews are not continuously working on a 24-hour basis, approved type portable fire extinguishers and/or approved type semi-portable fire extinguishers are required to be installed and maintained only when crews are working thereon.

### § 145.05 Classification of fire extinguishers.

(a) Portable and semi-portable extinguishers shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of a non-conducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered portable extinguishers. Sizes III, IV and V are considered semi-portable extinguishers which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical portable and semi-portable extinguishers are set forth in Table 145.05(c).

TABLE 145.05(c)—PORTABLE AND SEMIPORTABLE EXTINGUISHERS

| Classification | | Soda-acid and water, gallons | Foam, gallons | Carbon dioxide, pounds | Dry chemical, pounds |
|---|---|---|---|---|---|
| Type | Size | | | | |
| A | II | 2½ | 2½ | | |
| B | II | | 2½ | 15 | 10 |
| C | II | | | 15 | 10 |
| B | V | | 40 | 100 | 50 |

(d) All portable and semi-portable extinguishers shall have permanently attached thereto a durable name plate giving the name of the item, the rated capacity in gallons or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGFR 58-28, 23 FR 6880, Sept. 6, 1958]

**§ 145.10 Locations and number of fire extinguishers required.**

(a) Approved portable and semi-portable extinguishers shall be installed in accordance with Table 145.10(a).

(b) Semi-portable extinguishers shall be located in the open so as to be readily seen.

TABLE 145.10(a)—PORTABLE AND SEMI-PORTABLE EXTINGUISHERS

| Space | Classification | Quantity and location |
|---|---|---|
| SAFETY AREAS | | |
| Communicating corridors | A-II | 1 in each main corridor not more than 150 feet apart (May be located in stairways.) |
| Radio room | C-II | 1 in vicinity of exit |
| ACCOMMODATIONS | | |
| Sleeping accommodations | A-II | 1 in each sleeping accommodation space. (Where occupied by more than 4 persons.) |
| SERVICES SPACES | | |
| Galleys | B-II or C-II | 1 for each 2,500 square feet or fraction thereof for hazards involved |
| Storerooms | A-II | 1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside of spaces |
| MACHINERY SPACES | | |
| Gas fired boilers | B-II ($CO_2$ or dry chemical) | 2 required |
| Gas fired boilers | B-V | 1 required |
| Oil-fired boilers | B-II | 2 required |
| Oil-fired boilers | B-V | 2 required |
| Internal combustion or gas turbine engines | B-II | 1 for each engine |
| Electric motors or generators of open type | C-II | 1 for each 2 motors or generators |

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Not required where a fixed carbon dioxide system is installed.

When installation is on weather deck or open to atmosphere at all times 1 B-II for each three engines is allowable.

Small electrical appliances, such as fans, etc., shall not be counted or used as basis for determining number of extinguishers required.

# PART 146—OPERATIONS

## Subpart 146.01—Special Operating Requirements

Sec.

146.01-1 Application.
146.01-2 Person in charge.
146.01-5 Identification marks required.
146.01-10 Recording identification marks.
146.01-15 Maintenance of emergency equipment.
146.01-17 Work vests.
146.01-20 Casualty or accident report.
146.01-25 Authority of person in charge.

## Subpart 146.05—Manned Platforms

Sec.

146.05-1 Application.
146.05-5 General alarm system.
146.05-10 Emergency signals.
146.05-15 Duties of personnel.
146.05-20 Manning of life floats, etc.
146.05-25 Emergency drills.
146.05-30 Station bill.
146.05-35 Markings for emergency equipment.

AUTHORITY: Sec. 633, 63 Stat. 545, sec. 4, 67 Stat. 462; 14 U.S.C. 633, 43 U.S.C. 1333, unless otherwise noted.

SOURCE: CGFR 56-4, 21 FR 904, Feb. 9, 1956, unless otherwise noted.

## Subpart 146.01—Special Operating Requirements

### § 146.01-1 Application.

The provisions of this subpart apply to all artificial islands or fixed structures.

### § 146.01-2 Person in charge.

The owner or operator, or the agent of either of them, shall designate by title and in order of succession the persons on the platform who shall be the "person in charge."

[CGFR 59-15, 24 FR 4954, June 18, 1959]

### § 146.01-5 Identification marks required.

(a) The owner or operator shall assign a name or number or other suitable designation to each artificial island and fixed structure located on the outer continental shelf. This name or number or other suitable designation shall be permanently and conspicuously displayed on the artificial island or fixed structure so that it can be readily seen in clear visibility by vessels, and, if the artificial island or structure has a helicopter deck, by aircraft.

(b) Artificial islands and fixed structures, other than those serving individual wells or those too small to readily accommodate large signs, shall be marked, at diagonal corners of the artificial island or fixed structure, in letters and figures not less than 12 inches high on a contrasting background giving the following information, which may be in an abbreviated form: the name of lessee; the name of the offshore area; the number of the block in the offshore area; and, the artificial island or platform designation (if any).

(c) Artificial islands and fixed structures serving individual wells, and those too small to accommodate large signs, will be marked with identification signs with letters and figures not less than 3 inches in height, on a contrasting background, giving the same information as required in paragraph (b) of this section.

(d) The numerals and characters required by this section shall be in block style of good proportion (vertical and not slanted).

[CGFR 63-18, 28 FR 4027, Apr. 24, 1963]

### § 146.01-10 Recording identification marks.

The owner or operator shall record the name or number or other suitable designation assigned each artificial island and each fixed structure with the Coast Guard District Commander having jurisdiction over the area in which it is located. This information is for identification purposes.

### § 146.01-15 Maintenance of emergency equipment.

The emergency equipment provided, regardless of whether or not required by this subchapter, shall be maintained in good condition at all times. Good operating practices require replacement of expended equipment, as well as periodic renewal of those items which have a limited period of effectiveness, such as replacing charges in fire extinguishers, replacing batteries in electric water lights, etc.

### § 146.01-17 Work vests.

(a) *Approved unicellular plastic foam.* Buoyant work vests carried under the permissive authority of this section shall conform to the specifications in Subpart 160.053 in Subchapter Q (Specifications) in 46 CFR, Chapter I.

(b) *Use.* Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard artificial islands or fixed structures to be worn by persons employed thereon when working near or over the water under favorable work conditions. The use and control of such vests shall be under the supervision of the person in charge of the platform. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

(c) *Stowage.* (1) The work vests shall be stowed separately from the regular stowage of approved life preservers.

(2) The location for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

(d) *Inspections.* Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the artificial island or fixed structure. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

[CGFR 59-15, 24 FR 4954, June 18, 1959]

### § 146.01-20 Casualty or accident report.

(a) The owner, or his agent, or the person in charge, shall report as soon as possible to the Officer in Charge, Marine Inspection, having jurisdiction, whenever his artificial island or fixed structure is involved in a casualty or accident and any one or more of the following occur:

(1) If it is hit by a vessel and damage to property is in excess of $1,500.

(2) Damage to artificial island or fixed structure in excess of $25,000.

(3) Material damage affecting the usefulness of life-saving or fire-fighting equipment.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours, arising out of or being directly connected with the use or employment of any emergency equipment described in this subchapter.

(b) The written report, in narrative form, shall contain the name or number or other suitable designation assigned to the artificial island or fixed structure; the names and addresses of the owner, his agent (if any), operator (if any), and the person in charge; the nature and probable cause of the casualty or accident; the date and time the casualty or accident occurred, if known, otherwise approximately when it occurred; details of damage incurred, especially with respect to lifesaving and fire-fighting equipment; the nature and extent of injury to any person; names and addresses of persons involved; and other comments, especially with respect to use or need for emergency equipment.

(c) In the investigations of casualties and accidents occurring on artificial islands or fixed structures, the procedures in 46 CFR Part 4 for marine casualties will be followed to the extent applicable.

(5 U.S.C. 552; 14 U.S.C. 633)

[CGFR 56-4, 21 FR 904, Feb. 9, 1956, as amended by CGD 78-110, 43 FR 43298, Sept. 25, 1978]

### § 146.01-25 Authority of person in charge.

In case an emergency arises, nothing in the regulations in this subchapter shall be so construed as preventing the person in charge from pursuing the most effective action in his judgment for rectifying the conditions causing the emergency.

## Subpart 146.05—Manned Platforms

### § 146.05-1 Application.

The provisions of this subpart apply only to manned platforms.

### § 146.05-5 General alarm system.

Each manned platform shall be provided with a general alarm system. When operated, this system shall be audible in all parts of the manned platform on which provided.

### § 146.05-10 Emergency signals.

(a) The owner, or his agent, or the person in charge shall establish emergency signals to be used for calling the personnel to their emergency stations.

(b) The emergency signal shall be an intermittent signal on the general alarm system for not less than 15 seconds. The abandon platform signal shall be a continuous signal on the general alarm system.

[CGFR 59-15, 24 FR 4954, June 18, 1959]

### § 146.05-15 Duties of personnel.

(a) The owner, or his agent, or the person in charge, shall assign to each person on a manned platform special duties and duty stations so that in event an emergency arises confusion will be minimized and no delay will occur with respect to the use or application of equipment required by this subchapter The duties shall, as far as possible, be comparable with the regular work of the individual.

(b) The duties shall be assigned as necessary for the proper handling of any emergency, and shall include the following:

(1) The closing of airports, watertight doors, scuppers, sanitary and other discharges which lead through the platform's hull below the margin line, etc.

(2) The stopping of fans and ventilation systems.

(3) The donning of life preservers.

(4) The preparation and launching of life floats, lifeboats, or life rafts.

### § 146.05-20 Manning of life floats, etc.

The owner, or his agent, or the person in charge, shall assign a person to each life float, lifeboat, or life raft, who shall be responsible for launching it in event of an emergency.

### § 146.05-25 Emergency drills.

(a) Emergency drills shall be conducted at least once each month by the person actually in charge of the manned platform. The drill shall be conducted as if an actual emergency existed. All personnel should report to their respective stations and be prepared to perform the duties assigned to them.

(b) The person actually in charge and conducting the emergency drill shall give such instructions to the personnel as are necessary to insure that all persons are familiar with their duties and stations.

(c) The date and time of such drills shall be reported in writing by the person actually in charge at the time of the drill to the owner who shall maintain this report record for a year and furnish it upon request to the Coast Guard. After one year, such records may be destroyed. When it is impossible to conduct emergency drills as required by this section during a particular calendar month, during the following month a written report by the owner shall be submitted to the Officer in Charge, Marine Inspection, stating why the drills could not be conducted.

### § 146.05-30 Station bill.

(a) The owner, his agent, and the person in charge, shall be responsible for and have prepared a station bill (muster list). This station bill must be signed by the person in charge. Copies shall be duly posted in conspicuous locations on the manned platform.

(b) The station bill shall set forth the special duties and duty stations of each member of the personnel for any emergency which involves the use or application of equipment required by this subchapter. In addition, it shall contain all other duties assigned and considered as necessary for the proper handling of any emergency.

(c) The station bill shall contain the various signals to be used for calling the personnel to their emergency stations, and to abandon platform.

### § 146.05-35 Markings for emergency equipment.

(a) Markings shall be provided as considered necessary for the guidance of persons on manned platforms.

(b) The general alarm bell switches shall be identified by red letters at least one inch high with a contrasting background: "GENERAL ALARM."

(c) All general alarm bells shall be identified by a sign at each bell in red letters at least one inch high with a sharp contrasting background: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(d) All life floats, lifeboats, and life rafts, together with paddles or oars, shall be conspicuously marked with a name or number or identification of the artificial island or fixed structure on which placed. The number of persons allowed on each life float, lifeboat, or life raft shall be conspicuously marked thereon in letters and numbers 1½ inches high. These numbers shall be placed on both sides of the life float, lifeboat, or life raft. Inflatable life rafts shall be marked in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter and no additional markings are required.

(e) All life preservers and ring life buoys shall be marked with the name and number or identification of the manned platform on which placed.

[CGFR 56-1, 21 FR 904, Feb. 9, 1956, as amended by CGFR 60-35, 25 FR 10133, Oct. 25, 1960]

## PART 147—SAFETY ZONES

### Subpart 147.01—Purpose and Delegation

Sec.
147.01-1 Purpose of safety zones.
147.01-3 Delegation of authority.

### Subpart 147.03—Establishment of Safety Zones

147.03-1 Initial action by the district commander.
147.03-3 Procedures.
147.03-5 Extent of safety zones.

### Subpart 147.05—OCS Safety Zones

147.05-11.01 Platform GRACE safety zone, Santa Barbara Channel.
147.05-11.04 Platforms ELLY and ELLEN safety zone, Gulf of Santa Catalina.

AUTHORITY: Sec. 633, 63 Stat. 545, sec. 4(e)(1), 67 Stat. 463, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 633; 43 U.S.C. 1333(e)(1), 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); in conformance with paragraphs 2, 3, 6, and 7 of Art. 5 Convention on the Continental Shelf (TIAS 5578) and Art. 2 Convention on the High Seas (TIAS 5200), unless otherwise noted.

SOURCE: CGFR 71-74a, 36 FR 19499, Oct. 7, 1971, unless otherwise noted.

## Subpart 147.01—Purpose and Delegation

### § 147.01-1 Purpose of safety zones.

Safety zones may be established around artificial islands and fixed structures being constructed, maintained, or operated on the Outer Continental Shelf to promote the safety of life and property on the islands and structures, their appurtenances and attending vessels, and on the adjacent waters within the safety zones. Regulations adopted for safety zones may extend to the prevention or control of specific activities and access by vessels or persons, and include measures to protect the living resources of the sea from harmful agents. The regulations do not encompass the operating equipment or procedures used in the drilling for and production of oil, gas, or other minerals, or the transportation of oil, gas, or other minerals by pipeline except as they relate to the safety of life and property on the islands and structures and on the waters adjacent to the artificial islands and fixed structures or to the protection of the living resources of the sea within a safety zone from harmful agents.

### § 147.01-3 Delegation of authority.

The authority to establish safety zones and to issue and enforce safety zone regulations in accordance with the provisions of this part is delegated to district commanders. This authority may not be redelegated.

## Subpart 147.03—Establishment of Safety Zones

### § 147.03-1 Initial action by the district commander.

Whenever it comes to the attention of the district commander that a safety zone and regulations may be required concerning an artificial island or fixed structure being constructed, maintained, or operated on the Outer Continental Shelf or its appurtenances and attending vessels, or the adjacent waters, he may initiate appropriate inquiry to determine whether a safety zone and regulations should be established. In making this determination, the district commander considers all relevant safety factors, including existing or reasonably foreseeable congestion of vessels, the presence of unusually harmful or hazardous substances, and any obstructions within 500 meters of an artificial island or fixed structure. If the district commander determines that the circumstances warrant the establishment of a safety zone and regulations he takes action as he deems necessary consistent with the provisions of this part.

### § 147.03-3 Procedures.

(a) *General.* Except as provided in paragraph (b) of this section, a safety zone and necessary regulations may be established concerning any artificial island or fixed structure being constructed, maintained or operated on the Outer Continental Shelf, following publication of a notice of proposed rule making in the FEDERAL REGISTER and after interested parties have been given the opportunity to submit comments. A zone and necessary regulations may be in effect during any period when construction equipment and materials are within 500 meters of the construction site until the removal of all portions of the artificial island or fixed structure.

(b) *Emergencies.* A safety zone and necessary regulations may be established without public rule making procedures when the district commander determines that imminent danger exists with respect to the safety of life and property on an artificial island, or fixed structure being constructed, maintained, or operated on the Outer Continental Shelf, its appurtenances and attending vessels or adjacent waters. A safety zone and regulations may be made effective on the date the rule is published in the FEDERAL REGISTER. However, if circumstances require, they may be placed into effect immediately, followed promptly by publication in the FEDERAL REGISTER. The district commander may utilize, in addition to broadcast Notices to Mariners, Local Notices to Mariners, and Notices to Mariners, newspapers, and broadcasting stations to disseminate information concerning a safety zone and regulations pertaining thereto. The public may comment concerning the establishment of a safety zone or regulations under this paragraph. A safety zone or regulations may be modified or withdrawn, as appropriate, based on the comments received.

### § 147.03-5 Extent of safety zones.

A safety zone established under this part may extend to a maximum distance of 500 meters around the artificial island or fixed structure measured from each point on its outer edge or from its construction site, but may not interfere with the use of recognized sea lanes essential to navigation.

## Subpart 147.05—OCS Safety Zones

### § 147.05-11.01 Platform GRACE safety zone, Santa Barbara Channel.

(a) *Description.* A circle 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-10'-47" N, 119°-28'-05" W.

(b) *Regulations.* No vessel may enter or remain in this safety zone except the following: (1) Vessels under 100 feet length-over-all without a tow, (2) vessels directly involved in the construction of platform GRACE, (3) vessels which normally attend platform GRACE, or (4) vessels authorized by the Commander, Eleventh Coast Guard District.

(c) *Effective date.* This safety zone and its related regulations, as modified are effective on and after May 23, 1980.

(Sec. 633, 63 Stat. 545, sec. 4(e)(1), 67 Stat. 463, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 633; 43 U.S.C. 1333(e)(1), 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 33 CFR 147.01, in conformance with paragraphs 2, 3, 6, and 7 of Article 5, Convention on the Continental Shelf (TIAS 5578) and Article 2, Convention on the High Seas (TIAS 5200))

[CGD 11-79-05r, 44 FR 57928, Oct. 9, 1979, as amended at 45 FR 37187, June 2, 1980]

### § 147.05-11.04 Platforms ELLY and ELLEN safety zone, Gulf of Santa Catalina.

(a) *Description.* The area within a curved line 500 meters around the outer edge of both structures. The structures are approximately 120 meters apart. The position of the center of each structure is: Platform ELLY 33°34'57"N, 118°07'40"W; and Platform ELLEN 33°34'57"N, 118°-07'41"W.

(b) *Regulations.* No vessels may enter or remain in this safety zone except the following: (1) Vessels involved in the construction of either Platform ELLY or ELLEN, (2) vessels which normally attend either platform ELLY or ELLEN or (3) vessels authorized by the Commander, Eleventh Coast Guard District.

(Sec. 633, 63 Stat 545, sec. 4(e)(1), 67 Stat 463, sec. 6(b)(1), 80 Stat 938; 14 USC 633; 43 U.S.C. 1333(e)(1), 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 33 CFR 147.01, in conformance with paragraphs 2, 3, 6, and 7 of Article 5, Convention on the Continental Shelf (TIAS 5578) and Article 2, Convention on the High Seas (TIAS 5200))

[CGD 11-80-01, 45 FR 26698, Apr. 21, 1980]

# SUBCHAPTER NN—DEEPWATER PORTS

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Authority: Secs. 5(a), 5(b), Pub. L. 93-627, 88 Stat. 2131 (33 U.S.C. 1504(a), (b)); 49 CFR 1.46(s).

Source: CGD 75-002, 40 FR 52553, Nov. 10, 1975, unless otherwise noted.

### Subpart A—General

**§ 148.1 Purpose.**

This subchapter prescribes regulations for the licensing, construction, design and equipment, and operation of deep-water ports.

**§ 148.3 Definitions.**

The terms listed in sections 3 and 18 of the Act, whenever used in Parts

148, 149 and 150, have the same meaning they have in the Act, except as provided in this section for "Affiliate."

"Act" means the Deepwater Port Act of 1974.

"Affiliate" means each person—

(a) Having any direct or indirect ownership interest in the applicant of greater than three percent;

(b) With whom the applicant has made, or proposes to make, a significant contract for financing, managing or otherwise participating in the construction or operation of the deepwater port proposed to be licensed;

(c) Who owns or controls any person who is an affiliate by operation of paragraphs (a) or (b) of this definition, or who owns or controls the applicant;

(d) Owned or controlled by or under common ownership or control with an applicant or any person who is an affiliate by operation of paragraphs (a), (b) or (c) of this definition; or

(e) Who is determined by the Secretary to have information required to review or process the application.

"Barrel" means 42 U.S. gallons at atmospheric pressure and 60° Fahrenheit.

"Captain of the Port" means a Coast Guard Officer commanding a Captain of the Port Area described in Part 3 of this chapter.

"Crude oil" means a mixture of hydrocarbons that exist in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities and includes—

(1) Liquids technically defined as crude oil;

(2) Small amounts of hydrocarbons that exist in the gaseous phase in natural underground reservoirs but are liquid at atmospheric pressure after being recovered from oil well (casing head) gas in lease separators; and

(3) Small amounts of non-hydrocarbons produced with the oil.

"Deepwater port" means any fixed or floating manmade structures other than a vessel, or any group of such structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the loading or unloading and further handling of oil for transportation to any State, except as otherwise provided in section 23 of the Act. The term includes all associated components and equipment, including pipelines, pumping stations, service platforms, mooring buoys, and similar appurtenances to the extent they are located seaward of the high water mark.

"Gross under keel clearance" means the distance between the keel of a tanker and the ocean bottom when the tanker is moored or anchored in calm water free of wind, wave, current, or tide conditions that would induce ship motion.

"Marine site" means the area in which the deepwater port is located, which includes the safety zone, the TSS, each anchorage area, and all areas seaward of the high water mark in which associated components and equipment of the deepwater port are located.

"Miles" means nautical miles.

"Net under keel clearance" means that distance between the ocean bottom and the portion of a tanker's hull closest to the ocean bottom when the tanker is underway, moored or anchored, considering ship motion in responding to the combination of actual wind, wave, tide, and current conditions.

"PAD District" means one of the five Petroleum Administration for Defense Districts defined by the Bureau of Mines, Department of the Interior.

"Platform" means a fixed structure which rests on or is embedded in the sea-bed that has floors or decks in which an activity or specific function may be carried out.

"Production District" means a State and each district within the State of Louisiana, New Mexico or Texas for which production of crude petroleum is separately reported by the Bureau of Mines, Department of the Interior.

"Pumping platform complex" (PPC) means a single platform or a series of interconnected platforms that have one or more of the following capabilities:

(a) Pumping oil between a vessel and the shore.

(b) Berthing and messing facilities for assigned personnel.

(c) Landing area for helicopters.

(d) Mooring and loading for small vessels.

"Refining District" means a refining district as defined by the Bureau of Mines, Department of the Interior, for reporting refining operations.

"SPM" means single point mooring buoy.

"Traffic separation scheme (TTS)" means the network of traffic lanes and separation zones or lines at a deepwater port.

"Year-end proved reserves of crude oil" means the estimated quantities of all liquids statistically defined as crude oil, which geological and engineering data demonstrate with reasonable certainty as of December 31 of the year concerned to be recoverable in future years from known reservoirs under existing economic and operating conditions. Reservoirs are considered proved if economic producibility is supported by either actual production or conclusive formation tests. The area of an oil reservoir considered proved includes—

(1) That portion delineated by drilling and defined by gas-oil or oil-water contacts, if any; and

(2) The immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data.

In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of reservoir. Reserves of crude oil which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

## Subpart B—Applications

### GENERAL

### § 148.101 Applicability.

This subpart prescribes rules that apply to each application, including competing applications described in section 5(d)(3) of the Act, for the issuance of a license for the ownership, construction, and operation of a deepwater port.

### § 148.103 Application staff address.

The address of the application staff is: Commandant (G-WDWP/61), U.S. Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593.

### § 148.105 Preparation

(a) Any person may confer with the application staff concerning the preparation of an application.

(b) An applicant may incorporate by clear and specific reference in his application any:

(1) Standard reference material upon which he relies and which he knows to be readily available to Federal and State Agencies;

(2) Current information contained in previous applications or reports that he has submitted to the application staff; and

(3) Current information contained in a tariff, report or other document previously filed for public record with the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration, provided—

(i) A certified true and complete copy of the document is attached to each of 10 of the 60 copies of the application required by § 148.107(a);

(ii) Each copy filed with the application bears on its cover notation of the date of filing and the document number or other locator; and

(iii) Any verification or certification required for the original filing (other than from auditors or other independent persons) is brought current to a date not earlier than 30 days prior to the date of the application.

(c) If any required information is furnished pursuant to § 148.111(b), the application need only state with respect thereto, in the appropriate place or places: "Required information is being furnished by [named affiliate] [all affiliates] pursuant to § 148.111(b)."

### § 148.107 Copies: fees.

(a) Sixty copies of each license application must be submitted to the application staff.

(b) One copy of each license application must be submitted to the U.S. Army Corps of Engineers District office having jurisdiction over the proposed port.

(c) A nonrefundable application fee of $100,000 must be submitted with each application for issuance of a license. If additional information is necessary to make an application complete, no additional application fee is required.

(d) The costs incurred by the United States in processing an application will be charged to the application fee until it is exhausted. Reimbursement for additional processing costs, above the application fee, must be submitted to the application staff when assessed.

(e) Fees and costs assessed under this section must be made payable to the United States Treasury.

### § 148.109 Contents of application for issuance of license.

Each application must include the following:

(a) *Identity of applicant and affiliates.* (1) The name, address and principal business activity of the applicant and of each affiliate.

(2) A list of all domestic subsidiaries and a list of all foreign subsidiaries of each applicant and of each affiliate that elects under § 148.111(a) to furnish required information on a consolidated basis.

(3) The name, address and principal business activity of each subsidiary or division of an applicant or an affiliate which participated directly and substantially in the planning, evaluating or approving of participation in the construction, financing, or operation of a deepwater port.

(b) *Proof of citizenship and authority.* (1) If the applicant is an individual, group of individuals, a partnership or an association, an affidavit from each individual stating that he is a citizen of the United States of America.

(2) If the applicant is a corporation, one copy of its charter or instrument by which the corporation is formed and organized under general corporation laws, certified by the Secretary of State or other appropriate authority of the State in which incorporated, and a copy of its by-laws certified by its Secretary or an Assistant Secretary.

(3) If the applicant is a State, or combination of States, or any political subdivision, agency, or instrumentality of a State, including a wholly owned corporation, a copy of the laws authorizing the operations detailed in the application.

(c) *Address for service of documents.* The name and address of a person upon whom service may be made if a formal hearing is held on the application and the name and address of a person to whom documents not required to be served under § 148.275 may be sent.

(d) *Verification.* A statement at the end of the application subscribed and sworn to before a notary public that the individual who signed the application has read it and that its contents are true to his best knowledge and belief.

(e) *Financial information.* (1) For each applicant and affiliate:

(i) Its most recent annual financial statement, including an income statement and a balance sheet, accompanied by an opinion of a certified public accountant; and

(ii) An interim income statement and balance sheet for each subsequent fiscal quarter-year ended prior to 30 days before submission of the application.

(2) The proposed location and capacity of the deepwater port, including all components thereof, together with a general description of the anticipated use of the deepwater port during the expected life of the project.

(3) An estimate of construction costs, by phases together with estimated dates or periods for completion of each phase, or annually, and a detailed estimate of the cost of removal of all marine components of the deepwater port, other than pipelines lying below the seabed.

(4) Annualized projections or estimates of each of the following, at reasonable intervals throughout the expected useful life of the deepwater port:

(i) Total oil throughput together with subtotals of throughput of oil owned by the applicant and affiliates and of throughput of oil owned by others.

(ii) Annual revenue.

(iii) Annual operating expenses, showing separately any anticipated management fee, payment, allowance, or credit to any affiliate for management or operation of the port or any component.

(5) A copy of every agreement or proposal relating to the ownership or management of a deepwater port or any of its components or to the financing of the construction or operation of the deep-water port or component, including those relating to throughputs, capital contributions, loans, guarantees, and commitment therefor.

(6) To the extent known to the applicant or any affiliate, every existing or proposed:

(i) Tariff or portion thereof to be filed with the Interstate Commerce Commission;

(ii) Rate or joint rate; and

(iii) Agreement, arrangement or understanding with respect to terms or conditions on which other persons may become an affiliate or with respect to minimum or maximum tenders or other economic restrictions on shipments by nonaffiliated persons.

If any item required by this subparagraph has not been determined, an explanation of the basis on which it will be determined must be included.

(7) To the extent known to the applicant or any affiliate, the anticipated:

(i) Total annual demand for crude oil; and

(ii) Total year-end proved reserves of crude oil for each Production District within the PAD District in which oil from the proposed deepwater port is to be landed, at reasonable intervals throughout the expected useful life of the deepwater port.

(8) To the extent known to the applicant or any affiliate, the anticipated:

(i) Total refinery capacity;

(ii) Total runs to stills; and

(iii) Total demand for gasoline, for jet aviation fuels, for distillate fuel oils, and for other refinery products, for each Refining District within the PAD District in which oil from the deepwater port is to be landed, at reasonable intervals throughout the expected useful life of the deepwater port.

(9) If the PAD District in which oil from deepwater port is to be landed has a surplus:

(i) Of crude oil production and imports over refinery capacity, the information required in paragraph (e)(7) of this section must also be set forth for each Production District within the PAD Districts to which surplus crude oil from the District in which oil from deepwater port is landed is expected to be transported; and

(ii) Of refinery capacity over demand for refinery products, the information required in paragraph (e)(8) of this section must also be set forth for each Refining District within the PAD Districts to which surplus refinery products from the PAD District in which oil from the deepwater port is landed is expected to be transported. If this includes the East Coast Refining District, the information for that district must be separately stated for the following three components:

(A) New England: The States of Massachusetts, Rhode Island, and Connecticut.

(B) South-Atlantic: The States of Virginia, North Carolina, South Carolina, Georgia, and Florida.

(C) Mid-Atlantic: The remaining area of the East Coast Refining District (Maine, Vermont, New Hampshire, New Jersey, Maryland, Delaware, District of Columbia, and the eastern parts of New York and Pennsylvania).

(10) From each applicant or affiliate which is engaged in producing, refining, or marketing oil, its estimate of its components of the totals required to be included under the provisions of paragraphs (e)(7), (8) and (9) of this section.

(11) From each applicant or affiliate engaged in producing, refining, or marketing oil, for each item it is required to supply under paragraph (e)(10) of this section, its actual data for each of the three calendar years immediately prior to the date of application.

(12) From each applicant or affiliate which has a significant interest in any refinery within any refinery district on which information is required to be disclosed under paragraphs (e)(8) or (9)(ii) of this section, for each refinery, its:

(i) Location;

(ii) Runs to still for each of the three calendar years prior to date of application; and

(iii) Production for each of the three calendar years prior to date of application of gasoline, jet aviation fuel, distillate fuel oils, and other products.

(13) From each applicant or affiliate engaged in producing, refining or marketing oil, for each of the three calendar years immediately prior to the date of application, its total domestic and total worldwide: yearend proved reserves; annual production imports into the United States; and annual refinery runs to still and production of gasoline, jet aviation fuel, distillate fuel oils and other refinery products.

(f) *General technical information.* (1) A description of the experience of the applicant, each affiliate of the applicant that the applicant may want to provide, and each consultant of the applicant in offshore operations, with particular emphasis on involvement in offshore transfer and storage of liquid cargo and vessel loading and unloading operations.

(2) A listing and abstract of each study relied upon by the applicant and a listing and abstract of each ongoing or completed study pertaining to deepwater ports conducted by or for the applicant, later supplemented by data of particular environmental or operational concern from specific studies identified by the Coast Guard.

(3) The name, address, citizenship and telephone number of each affiliate of the applicant together with a description of the manner in which the affiliate is associated with the applicant.

(4) The name, address, citizenship, telephone number and qualifications of each engineering firm, if known, that will design the deepwater port, or any portion of the port.

(5) The ownership interest in the applicant of each affiliate having any ownership interest in the applicant of greater than 3 percent.

(6) For each affiliate with whom the applicant has made, or proposes to make a significant contract for the construction of any part of the deepwater port, a description of that affiliate's experience in construction of marine terminal facilities, offshore structures, underwater pipelines, seabed foundations or any other experience that would bear on his qualification to participate in the construction of a deepwater port.

(7) A copy of each contract made by the applicant for the construction of any component of the deepwater port or for the operation of the port.

(g) *Water.* Evidence that the requirements of section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341(a)(1), will be satisfied, except that, in those cases where certification under section 401(a)(1) must be obtained from the Administrator of the United States Environmental Protection Agency, the request for such certification must accompany each application for a license under the Act.

(g-1) *Coastal zone management.* The certification, or certifications, required by section 307 of the Coastal Zone Management Act of 1972, as amended.

(h) *Lease block identification.* (1) Identification of each lease block established either by the Secretary of the Interior under section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334), or by a State under the authority of section 3 of the Submerged Lands Act (43 U.S.C. 1311), within which any part of the proposed deepwater port or its approaches are located. This identification should be made using Official Outer Continental Shelf Leasing Maps or Protraction diagrams where they are available. For each identified lease block, the following must be provided:

(i) A description of each pipeline, or other right-of-way crossing, in enough detail to allow plotting of rights-of-way and facilities to the nearest one-tenth of a second in latitude and longitude.

(ii) The identity of the lessee of each pipeline or other right-of-way.

(2) Detailed information concerning any interest that the applicant and others have in each block and concerning the present and planned use of each block.

(i) *Overall site plan.* Single-line drawings showing the location and type of each component of the proposed deepwater port and its necessary facilities, including floating structures, fixed structures, aids to navigation, manifold systems and onshore storage areas, pipelines, and refineries.

(j) *Site plan for marine components.* A site plan consisting of:

(1) The proposed size and location of:

(i) All fixed and floating structures;

(ii) SPM swing circles;

(iii) Maneuvering areas;

(iv) Recommended vessel traffic separation scheme for approaching the port and the proposed vessel traffic pattern in the port area;

(v) Recommended anchorage areas;

(vi) Recommended mooring area for support vessels;

(vii) Required and recommended aids to navigation; and

(viii) Pipelines and cables within the marine site;

(2) The charted water depth throughout the proposed marine site as verified by the reconnaissance hydrographic survey required by this subpart;

(3) A reconnaissance hydrographic survey of the proposed marine site.

NOTE: A requirement to submit an engineering hydrographic survey of the final marine site will be imposed as a license condition.

(k) *Soil data.* An analysis of the general character and condition of the ocean bottom and sub-bottom throughout the marine site and along the path of the pipeline to the shore, including an opinion by a registered professional engineer specializing in soil mechanics concerning:

(1) The suitability of the soil to accommodate the anticipated design load of each marine component that will be fixed to or supported on the ocean floor; and

(2) The stability of the seabed when exposed to the environmental forces resulting from severe storms, or to lesser forces that continue for an extended period, including any history of accretion or erosion of the coast line in proximity to the marine site.

(l) *Operational information.* (1) The maximum lengths, maximum drafts, and maximum deadweight tonnages of the tankers to be accommodated at each SPM.

(2) Calculations with supporting data and other documentation to show that the charted water depth at each proposed SPM location is sufficient to provide at least a 5 foot net under keel clearance for each tanker that the applicant expects to be accommodated at the SPM.

(3) A detailed description of the manner of forecasting the wind, wave, and current conditions described in the draft Operations Manual during which the following would occur:

(i) Shutdown of oil transfer operations.

(ii) Departure of the tanker from the mooring.

(iii) Prohibition on mooring to an SPM.

(iv) Shutdown of all operations and evacuation of the port.

(4) The speed limits proposed for tankers transiting the traffic lanes and safety zone.

(m) *Floating components data.* (1) A description and preliminary design drawing of each floating component, including the hoses and the anchoring or securing structure and navigation lights if the component is a mooring buoy.

(2) The design criteria, developed pursuant to Part 149 of this chapter, to which each floating component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant on a floating component.

(6) A description of safety, fire fighting, and pollution prevention equipment to be used on each floating component.

(7) A description of lighting to be used on floating hoses for night detection.

(n) *Fixed marine components data.* (1) A description and preliminary design drawing of each fixed marine component.

(2) The design criteria, developed pursuant to Part 149 of this chapter, to which each fixed marine component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant for any fixed marine component and utilized in the development of the application.

(6) A description of navigational lighting, safety, lifesaving, fire fighting, pollution prevention and removal, and waste treatment equipment to be installed.

(7) A description and preliminary design drawing of the oil pumping equipment, piping system, control and instrumentation system, and any associated equipment, including the oil throughput measuring equipment, leak detection equipment, alarm system, and emergency shutdown equipment.

(8) The personnel capacity of each PPC.

(o) *Offshore pipeline data.* (1) A description and preliminary design drawing of the marine pipeline, including size, throughput capacity, length, depth and protective devices.

(2) The design criteria to which the marine pipeline is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description of the metering system to be used to measure flow rate.

(6) Information concerning all submerged or buried pipelines that will be crossed by the offshore pipeline and the manner in which the crossing will be made.

(p) *Onshore components data.* (1) A description of the location, capacity, and ownership of, and a preliminary design drawing for construction of new or expansion of existing onshore pipelines, storage facilities, refineries, petro-chemical facilities, and transshipment facilities to be served by the deepwater port.

(2) Location, capacity, and ownership of existing onshore pipelines, storage facilities, refineries, petrochemical facilities, and transshipment facilities to be served by the deepwater port.

(3) A chart showing the location of all planned and existing onshore pipelines, storage facilities, refineries, and petrochemical facilities and transshipment facilities to be served by the deepwater port.

(4) From each applicant or affiliate which is engaged in producing, refining or marketing oil, throughput of crude oil, of gasoline, of jet aviation fuel, of distillate fuel oils and of other refinery products, for the calendar year preceding the date of application, and a copy of each existing or proposed throughput agreement.

(5) A facility is served by the deepwater port if it is within a PAD District for which information is required under paragraph (e)(7), (8) or (9) of this section and is either served by connection with a common carrier pipeline or a component of or appurtenant to a common carrier pipeline.

(6) Crude oil gathering lines and lines wholly within a facility must be included only if specifically required under paragraph (z) of this section. Entry points and major connections between lines and with bulk purchasers must be included.

(q) *Miscellaneous components data.* (1) A description of the communications systems to be used in operation of the deepwater port.

(2) A description of the radar navigation system to be used in operation of the deepwater port to include the type and characteristics of the radar and the antenna location.

(3) A description of plans and method of bunkering vessels using the deepwater port.

(4) Type, size and number of vessels to be used in bunkering, mooring, and servicing the vessels using the deepwater port.

(5) A description and exact location of any shore based support facilities to be provided for vessels described in paragraph (q)(4) of this section.

(r) *Construction procedures.* A description of the method and procedures to be used in constructing each component of the deepwater port and a description of each phase, including anticipated dates of completion for each of the specific components.

(s) *Draft Operations Manual.* A draft Operations Manual for the proposed port prepared in accordance with the "Guidelines for Preparation of a Deepwater Port Operations Manual". If required information is not available, an applicant should so state, show why, and state when the information can be expected to be provided.

(t) *Environmental analysis.* An environmental analysis prepared in accordance with "Guide to Preparation of Environmental Analyses for Deepwater Ports."

(u) *Aids to Navigation.* (1) For each proposed aid to navigation, the proposed position of the aid described by latitude and longitude coordinates to the nearest second or tenth of a second as determined from the largest scale chart of the area in which the aid is to be located. (Latitude and longitude should be specified to a level obtained by visual interpolation between the finest graduation of the latitude and longitude scales on the chart.)

(2) For each proposed obstruction light and the proposed rotating lighted beacon, the color, characteristic, effective intensity, height above water, and general description of illumination apparatus.

(3) For each proposed fog signal on a structure, a general description of the apparatus.

(4) For each proposed buoy, the shape, color, number or letter, and depth of water in which located, and a general description of any light or fog signal apparatus installed.

(5) For the proposed radar beacon (RACON), height above water and a general description of the apparatus.

(v) *Telecommunications equipment.* A description of the radio stations or other communications facilities and the proposed concept of operation to serve the deepwater port during construction or operation.

NOTE: Federal Communications Commission application for these facilities may be submitted directly to the Federal Communications Commission when sufficient technical information is available to meet the rules of that agency. The holding of appropriate Federal Communications Commission licenses will be made a condition on a deepwater port license.

(w) *National Pollutant Discharge Elimination System Information.* To the extent available, the information prescribed by, and submitted on, the "National Pollutant Discharge Elimination System" (NPDES). Application for Permit to Discharge, Short Form "D" for applying for issuance of a discharge permit to the Administrator of the Environmental Protection Agency (EPA). If complete information is not available by the time the Secretary must either approve or deny the application for a designated application area, under section 5(i)(1) of the Act, the license is conditioned upon the applicant receiving the required discharge permit from the EPA prior to the commencement of any discharge requiring the same.

(x) *Discharge of dredged or fill material.* The information prescribed by, and submitted on, Form EP 1145-2-1 contained as Appendix B of "Application for Department of Army Permits for Activities in Waterways, EP 1145-2-1 of 1 October 1974" for each permit issued by the Secretary of the Army in compliance with:

(1) Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403);

(2) Section 404(b) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. 1251); or

(3) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052; 33 U.S.C. 1401).

(y) *Additional Federal authorizations required.* All other applications for Federal authorizations required for ownership, construction, and operation of a deepwater port not listed elsewhere in this subpart.

(z) *Supplemental information.* (1) A designation of locations where the applicant and each affiliate has segregated and filed documents in its possession relating to deepwater ports which were prepared within four years of the date of application and which fall under one or more of the following categories:

(i) Prepared by or for, or submitted to, a Board of Directors or an executive, management or planning committee.

(ii) Concern the financing of construction or operation of a deepwater port, including throughput nominations and membership in and financing of any existing or proposed joint venture.

(iii) Concern existing or proposed or anticipated rates or joint rates.

(iv) Determined by the Secretary to be required to review and process the application.

(2) Documents referred to in paragraph (z)(1) of this section must be available during normal business hours to the Secretary or the General Counsel of the Department of Transportation or the designate of either of them, for inspection and copying, at the locations designated in the application unless the General Counsel requires consolidation of documents from two or more locations. If any claim of privilege or immunity is asserted with respect to any document or record designated for inspection or copying, the person making the claim shall furnish to the Secretary or the General Counsel or his designate as the case may be, in accordance with § 148.219(c), an identification of the document and statement of the claim.

(3) The Secretary may require an applicant or affiliate to make available for examination under oath or for interview persons having, or believed to have, designated information. Interviews and examinations are conducted by or at the direction of the General Counsel.

(4) The Secretary may require an applicant or affiliate to file as a supplement to the application any analysis, explanation or detailing of information in the application or any other information determined by the Secretary to be required to review or process the application.

(5) Any Federal or State department or agency or other interested person may file with the clerk a request or recommendation for further information. Requests and recommendations received within 30 days after notice of the initial application has been published will be fully considered before any final determination is made under this paragraph (z). Requests and recommendations must include a brief statement of the purpose of any proposed requirement, including, if it relates to conduct, the nature of the conduct and the probable consequences, or if the proposed requirement relates to physical characteristics, the nature of any safety, health, environmental or economic concerns.

(6) In exercising the authority to require supplemental information under paragraph (z)(2), (3) or (4) of this section, the Secretary, the General Counsel, or the designate, as the case may be, may fix a time by which an applicant or affiliate must meet the requirement. If an application states that required information is not yet available but will be furnished at a later date, the Commandant may specify a time by which the information must be provided. If any requirement is not met by a time fixed in accordance with this subparagraph, the Secretary shall determine whether compliance with the requirement is material to processing of the application within the time prescribed in the Act. If the Secretary determines that it is material, he may disapprove the application, or may suspend the application pending a determination that processing can be resumed. The period of any suspension shall not be counted in determining the date prescribed by the time limit set forth in sections 4(c)(6), 5(d)(3), 5(e)(2), 5(g), 7(b)(1) or 9(b)(1) of the Act.

[CGD 75-002, 40 FR 52553, Nov. 11, 1975; 40 FR 58144, Dec. 15, 1975]

### § 148.111 Optional procedures.

(a) *Consolidated statements.* Applicants and affiliates may elect to supply required information consolidated in accordance with generally accepted accounting principles, if and to the extent that consolidated statements or reports are filed with the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration, but if those filings are also made or required to be made by line of business or other classifications, the applica tion shall be prepared on the same basis. An election under this paragraph is subject to the authority of the Secretary to require supplemental information, pursuant to § 148.109(z).

(b) *Direct submissions by affiliates.* If any affiliate has reason to believe that it or its business or property would be prejudiced by furnishing information required from it to the applicant, the affiliate may file the required information directly with the clerk. The information must be enclosed in a sealed envelope bearing on the outside the names of the applicant and affiliate and the date or anticipated date of the application. If any claim of privilege or confidentiality is asserted with respect to the contents, the procedure specified in § 148.219(c) or (d) must be followed.

## Subpart C—Application Proceeding

### GENERAL

### § 148.201 Purpose.

This subpart prescribes rules of procedure and practice for application proceedings.

### § 148.203 Applicability.

(a) Except as provided in paragraph (b) of this section, the rules in this subpart apply to each application proceeding.

(b) The rules for formal hearings in §§ 148.251-148.291 apply only to application proceedings in which the Commandant issues a notice of formal hearing under § 148.251. The rules for informal hearings in §§ 148.231-148.235 apply only to proceedings to consider applications for issuance, transfer, and renewal of a license.

### § 148.205 Clerk: docket; record.

(a) The mailing address for the clerk in each proceeding is Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20593. The office of the clerk is located in the Transpoint Building, 2100 Second Street, SW., Washington, D.C.

(b) The clerk maintains a docket and the record for each proceeding. The docket lists each document in the record. The record contains all documents filed or issued in the proceeding that the clerk has received and any other documents in the proceeding that are docketed in accordance with this subpart.

[CGD 75-002, 40 FR 52553, Nov. 10, 1975; 40 FR 58143, Dec. 15, 1975]

### § 148.207 Availability of documents in the record.

(a) The procedure for inspecting and copying documents in the record of a proceeding is contained in 49 CFR Part 7 and section 14 of the Act. Copies of documents in the record of a proceeding are mailed to each adjacent coastal State unless their release is prohibited by 49 CFR 7 and section 14 of the Act.

(b) Comments submitted by Federal agencies and departments for each proceeding in accordance with sections 5(e)(2) and 7(b) of the Act are docketed when they are received. Copies of the draft and final environmental impact statements prepared in accordance with section 5(f) of the Act are docketed when they are transmitted to the Council on Environmental Quality.

(c) The applicant must designate any portions of the material submitted in an application that contain either trade secrets or commercial or financial information that is claimed to be privileged or confidential. Section 148.219 prescribes procedures for objecting to claims and resolving of disputed issues.

(d) A copy of the application, except trade secrets and confidential information, is available for inspection and copying at the document inspection facility of the Coast Guard District Office nearest the proposed deepwater port and at Commandant (G-WDWP/61), U.S. Coast Guard, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20593.

(e) The application staff will designate a custodian of all documents filed in a proceeding for which protection is claimed under section 14(b) of the Act. The custodian shall not make public for inspection documents for which protection is claimed nor otherwise disclose such information, unless the General Counsel is of the opinion that the disclosure is not inconsistent with the requirements of section 14(b) of the Act. The custodian shall keep a record of all officers and employees of the Department having custody of any copy or copies of undisclosed documents.

### § 148.211 Processing an application.

The Chief, Office of Marine Environment and Systems takes the action described in section 5(c)(1) of the Act for processing each application received in a proceeding and for issuing in the FEDERAL REGISTER the notices described in section 5(c)(1). If he issues notice of application pursuant to section 5(c)(1) of the Act, the application staff thereafter delivers the application described in the notice to the clerk for docketing and mails a copy of the notice to each:

(a) Party;

(b) Adjacent coastal State; and

(c) Other coastal State bordering on the body of water in which the proposed port would be located.

### § 148.213 Changes to an application.

If information in an application becomes materially inaccurate or incomplete after it is docketed in a proceeding but before the proceeding is terminated, the applicant must promptly file an amendment furnishing the corrected or additional information. Sixty copies of the amendment must be submitted to the application staff when the revisions are filed.

### § 148.215 Withdrawal of application.

An applicant may withdraw his application in a proceeding at any time before the proceeding is terminated by delivering or mailing notice of withdrawal to the clerk for docketing.

### § 148.216 Request by port for determination.

A port which applies for a determination under section 4(d) of the Act must submit a request in writing to the application staff within 30 days of the date that notice of application is published in the FEDERAL REGISTER. The request must:

(a) Be signed by the highest official of the port submitting the request;

(b) Contain a copy of existing plans for the construction of a deep draft channel and harbor;

(c) Certify that the port has an active study by the Secretary of the Army for the construction of a deep draft channel and harbor, or that the port has pending an application for a permit under section 10 of the Act of March 3, 1899 (30 Stat. 1121) for the construction;

(d) Provide any available documentation on—

(1) Initial costs, by phases if staged development, for the proposed onshore project, including dredging, ship terminal and attendant facilities;

(2) Estimated annual operating expenses by phases, if staged development, including labor, for thirty years for all elements of the project;

(3) Estimated time of completion of all elements of the proposed project;

(4) An estimate of the volume of ship traffic, the volume and variety of the tonnage, an assessment of the potential traffic congestion conditions in the port and an assessment of the capability of the port for controlling vessel traffic as a result of the proposed dredging project;

(5) An assessment of the economic benefits estimated to be derived from the project, including:

(i) Economic contribution to the local, and regional area;

(ii) Induced industrial development;

(iii) Increased employment;

(iv) Increases in tax revenues; and

(v) Any other factors; and

(6) An assessment of the environmental and social impact of the project on elements of the local and regional community; and

(e) Provide a statement of its views on whether it seeks a determination that the State port best serves the national interest or that both developments are warranted.

### § 148.217 Designation of adjacent coastal States.

(a) The Chief, Office of Marine Environment and Systems, in issuing a notice of application pursuant to section 5(c)(1) of the Act, designates as an adjacent coastal State each State which would be directly connected by pipeline to the deepwater port proposed in the application or which is within 15 miles of the proposed deepwater port. A State not designated as an adjacent coastal State in the notice of application may request to be so designated on the basis that the risk of damage to its coastal environment is equal to or greater than the risk posed to a State directly connected by pipeline to the proposed deepwater port.

(b) Each request submitted under paragraph (a) of this section must:

(1) Be submitted in writing to the application staff within 14 days after the date of publication of the notice of application in the FEDERAL REGISTER;

(2) Be signed by the Governor of the State;

(3) Set forth the facts and any available analyses in support of the request together with any available documentation concerning the risk of damage to the coastal environment of the requesting State that could occur as a result of the establishment of a deepwater port; and

(4) State why the requesting State believes the risk of damage to its coastal environment is equal to or greater than the risk posed to a State connected by a pipeline to the proposed deepwater port.

(c) The application staff transmits a copy of each request submitted in accordance with paragraph (b) of this section to the Administrator of the National Oceanic and Atmospheric Administration and requests his recommendations within a period of time that will allow the Secretary to determine the matter within 45 days after the date the request was received.

(d) If, after having received the recommendation of the Administrator of the National Oceanic and Atmospheric Administration, the Secretary determines that there is a risk of damage to the coastal environment of the requesting State equal to or greater than the risk posed to a State directly connected to the proposed deepwater port, he grants the request and designates the requesting State as an adjacent coastal State. If he determines that there is not such a risk, he denies the request and so notifies the Governor of the requesting State.

### § 148.219 Claims and objections.

(a) Any person required to furnish information may assert, as ground for relief from the requirement, any failure to comply with this part or any other constitutional or legal right or privilege.

(b) In general, claims relating to documents must be made on filing an application or on receiving a determination by the Secretary pursuant to § 148.109(z).

(c) If a person claims attorney-client privilege, he must identify the communication by date, type of communication, persons making and receiving the communication, and general subject matter. If the required information is in a separable part of a communication, such as an attachment to a letter, the separate part must be similarly identified. The identification must be filed with the clerk or as a document pursuant to § 148.269.

(d) Any document claimed to be protected by section 14(b) of the Act must be placed in a sealed envelope, containing the name of the person claiming the protection and of the applicant, and the date or anticipated date of the application. A brief statement of the basis of the claim must be included, either on the envelope or separately. If a number of documents are involved, they must be grouped according to nature of claim, and a self-explanatory numbering system used for envelopes and documents.

(e) Written objection to any claim may be made by any Federal or State department or agency, or any applicant, affiliate, party or other interested person. The objection shall include a brief statement of its basis and identify the documents to which it applies.

(f) Except as provided in paragraph (g) of this section, the General Counsel shall determine, or designate a person to determine, issues raised by any claim filed under this section. A designation by the General Counsel may specify procedures to be used in resolving the issue or may leave some or all of the procedural matters to the discretion of the designated person. The proceedings pursuant to a designation shall be reported to the General Counsel, who shall approve, modify or disapprove the reported findings and conclusions.

(g) Any person making or objecting to a claim, or other interested person, may at any time file with the General Counsel a request or recommendation as to procedures. The General Counsel may act upon it or refer it to a person designated to resolve the issue.

(h) At any formal or informal hearing the presiding officer may permit any person to assert any claim that could be filed under this section and may determine any issue raised by the claim or, in his discretion, refer it to the General Counsel for resolution pursuant to paragraph (f) of this section.

(i) The filing of any claim under this section, other than a claim of document protection under paragraph (d) of this section, shall stay the time for meeting any information required to which the claim relates, but shall not stay the periods for processing and review of an application unless the Secretary determines that compliance with the requirement is material to processing of the application within the time prescribed in the Act. If the Secretary determines that it is material, he may suspend the application pending a determination that processing can be resumed. The period of any suspension shall not be counted in determining the date prescribed by the time limit set forth in section 4(c)(6), 5(d)(3), 5(e)(2), 5(g), 7(b)(11) or 9(b)(1) of the Act.

(j) Any determination by the General Counsel under paragraph (f) of this section may be appealed to the Secretary for good cause shown.

### INFORMAL PUBLIC HEARING

### § 148.231 Notice of public hearing.

After all applications in a proceeding are docketed, the Commandant issues a notice of public hearing and mails or delivers it to any person who requests it and to each applicant and adjacent coastal state. The clerk dockets the notice when it is published. Each notice shows the time and place for the hearings, formulates the factual issues in the proceeding, procedural matters to govern the hearings, and designates the presiding officer assigned by the Commandant for the hearing.

### § 148.233 Testimony and argument.

Interested persons may attend any public hearing, present relevant material at the hearing, and submit briefs and oral argument at a time determined by the presiding officer during the hearing.

### § 148.235 Report of public hearing.

As soon as practicable after a public hearing is completed, the presiding officer forwards a report of the hearing to the clerk for docketing. The report at a minimum contains a summary of the materials presented and factual issues raised at the hearing and has attached to it a transcript of the hearing and all relevant materials and briefs submitted to the presiding officer. The presiding officer determines and announces to the participants during the course of the hearing what material will be attached to the report.

### FORMAL HEARING

### § 148.251 Determination to hold formal hearing: notice of formal hearing.

(a) After the reports of public hearings are docketed in a proceeding, the Commandant determines whether there are specific and material factual issues concerning the applications that may be resolved by a formal hearing. If he determines that a formal hearing is necessary, he issues notice of formal hearing to the applicants, the application staff, and the administrative law judge.

(b) A notice of formal hearing lists the factual issues for resolution at the hearing, the applicants, and the administrative law judge assigned to conduct the hearing.

(c) The clerk mails or delivers a copy of the notice of formal hearing in a proceeding to each adjacent coastal state and to each person who requests notice of formal hearing.

### § 148.253 Assignment of administrative law judge: disqualification.

(a) The Commandant assigns the administrative law judge for a formal hearing.

(b) The administrative law judge may disqualify himself at any time after assignment by filing notice of withdrawal from the proceeding. If on motion of a party the administrative law judge does not disqualify himself, the party may appeal the ruling to the Commandant by filing notice of appeal within seven days after the ruling on the motion. A brief may be filed with the notice of appeal.

(c) If the assigned administrative law judge becomes unavailable during the proceeding, another administrative law judge is assigned.

### § 148.255 Jurisdiction of the administrative law judge.

(a) The jurisdiction of the administrative law judge over a proceeding begins when he is assigned. His jurisdiction ends 20 days after the transcript of the formal hearing is docketed or when he issues notice of withdrawal from the proceeding.

(b) The Commandant exercises the authority of an administrative law judge in a proceeding when no administrative law judge has jurisdiction.

### § 148.257 Authority of the administrative law judge.

The administrative law judge assigned to a formal hearing may:

(a) Administer oaths and affirmations;

(b) Issue subpoenas;

(c) Adopt procedures for the submission of evidence in written form;

(d) Rule on offers of proof and receive relevant evidence;

(e) Examine witnesses at the formal hearing;

(f) Dispose of procedural requests or similar matters;

(g) Convene, recess, reconvene, adjourn, and otherwise regulate the course of the formal hearing;

(h) Certify questions to the Commandant;

(i) If a party to a formal hearing fails to appear at a session of the hearing, proceed with the session without further notice to the party;

(j) Extend or shorten a time prescribed by this subpart to the extent consistent with the 240 days time limit prescribed in section 5(g) of the Act for completing public hearings in a proceeding;

(k) Prescribe a time for doing an act if the time is not prescribed in this subpart; and

(l) Take any other action authorized by or consistent with this subpart, the Act, or 5 U.S.C. 551-559.

### § 148.259 Ex parte communications.

If two or more applications have been filed in a proceeding, or if a person opposing an application has intervened in the proceeding, the administrative law judge may not consult any party on a fact in issue except on notice and opportunity for all parties to participate. The administrative law judge must prepare a summary of and have docketed each ex parte communication in the proceeding.

### § 148.261 Parties.

The parties to a formal hearing are the application staff, the applicants, and intervenors in the proceeding.

### § 148.263 Intervention.

(a) Any person may file a petition to intervene in a formal hearing, and any adjacent coastal state may intervene by filing a notice of intervention. The petition must be addressed to the administrative law judge, must identify the specific matters in the hearing on which he seeks to intervene and his interest in those matters, and must designate the name and address of a person upon whom service may be made if the petition is granted. A party to the formal hearing may file an answer to a petition within five days after the petition is filed.

(b) A petition to intervene must be filed within ten days after notice of formal hearing is issued.

(c) Intervention may be limited to particular matters or to particular times in the hearing if necessary to prevent repetitious evidence and argument or to control the course of the formal hearing.

(d) If the administrative law judge denies a petition in whole or part, the petitioner may appeal to the Commandant by filing notice of appeal within seven days after the denial is issued. A brief may be filed with the notice of appeal. A party may file a brief in support of or in opposition to the appeal within seven days after the notice of appeal is filed.

### § 148.265 A person not a party.

(a) At any time before a formal hearing, any person who is not a party may submit to the administrative law judge a petition to present evidence at the formal hearing. The petition must be sent to the administrative law judge or to the clerk who will forward it to the administrative law judge. The petition must contain a statement describing in detail the evidence to be presented and must show its relevancy to factual issues listed in the notice of formal hearing.

(b) If a petition is granted, the ruling delineates the evidence that may be presented at the formal hearing.

### § 148.267 Appearance and practice.

(a) Each party to a formal hearing, except an individual, must appear by his attorney. Each attorney must file a notice of appearance that states his name, address, telephone number, and the name of the person he represents. With his notice of appearance, each attorney must file a written authorization from his client.

(b) Each attorney representing a person in a proceeding must be admitted, and be in good standing, to practice before a court of the United States or the highest court of any State, territory or possession of the United States.

(c) The administrative law judge assigned to the formal hearing may suspend or bar an attorney from representing a person in the proceeding if he finds that the attorney has failed to conform to the standards of conduct required for attorneys in the Courts of the United States.

(d) The administrative law judge may exclude any person from a formal hearing or a conference if the person is contumacious at the hearing or conference.

### § 148.269 Requirements for documents.

(a) Each document, except an application, filed in a proceeding or submitted to the administrative law judge must:

(1) List the docket number of the proceeding; and

(2) Be signed in ink by the person filing or submitting the document and show the capacity of the person signing, his address, and the date of signing.

(b) Each document filed in a proceeding, except an application, must:

(1) Be accompanied by ten copies of the document;

(2) Show the name and address of each person upon whom a copy of the document has been served;

(3) Be accompanied by an affidavit showing proof of service if the person serving the process is not an attorney; and

(4) Contain the following certificate of service if the person serving the process is an attorney:

I hereby certify that I have this day served the foregoing document upon ——————————in accordance with 33 CFR 148.275.

Dated at ——— this ———day of ———, 19——.

————————

Signature

For ————————————

————————————

Name of Party or Petitioner

### § 148.271 Subscription.

The signature on a document filed, served, or submitted to the administrative law judge in a proceeding is certification by the person signing that he has full authority to sign the document, that he has read it and knows its contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay.

### § 148.273 Filing.

(a) A document is filed in a proceeding when it meets the requirements in § 148.269 and is deposited in the mail or, if not mailed, is received by the clerk.

(b) If the clerk receives a document that does not comply with § 148.269 he returns it to the person who submitted it with a statement of reasons for the return.

(c) Filing by mail must be by certified mail.

### § 148.275 Service of document: other transmittal.

(a) The clerk serves each order, ruling, decision, and notice upon all parties to a formal hearing when issued, except a document issued at the formal hearing or a prehearing conference.

(b) Each document before it is filed in a proceeding must be served upon:

(1) All parties, except the person filing the document; and

(2) The administrative law judge or if no administrative law judge has jurisdiction, the Commandant.

(c) Service of a document upon a party must be made upon the attorney representing the party or, for a party not represented by an attorney, upon the party.

(d) Service must be made by handing a copy of the document to the person to be served or depositing a copy of the document in the mail.

(e) This section does not apply to service of subpoenas. Rules for serving subpoenas are in § 148.281.

(f) The clerk mails to a person who is not a party, and who has submitted a petition or motion in the proceeding, a copy of the ruling on the petition or motion when issued and a copy of the action taken on any appeal of the petition. He mails a copy of the notice of the formal hearing, when the notice is issued, to each person whose petition to present evidence has been granted under § 148.265.

(g) The clerk provides the applicants and the administrative law judge with a copy of each application and report of public hearing docketed in the proceeding.

### § 148.277 Conferences.

(a) The administrative law judge may hold one or more prehearing conferences to give the parties an opportunity to present and consider facts and arguments, to exchange exhibits proposed to be offered in evidence, and to obtain stipulations, admissions, and agreements to produce documents and other tangible things. The administrative law judge may consider at a conference the procedure to be followed at the formal hearing, limitations on the number of witnesses at the hearing, and any other matters that may expedite the disposition of the proceeding.

(b) The administrative law judge may hold conferences during a formal hearing to expedite the disposition of the proceeding.

(c) If a prehearing conference is held, the administrative law judge issues a notice reciting the action taken at the conference and any agreements made between the parties.

### § 148.279 Motions.

(a) Any request for a ruling or relief in a proceeding, except a request for a subpoena or a petition to intervene or present evidence at a formal hearing, must be submitted by motion. Each motion must be addressed to the administrative law judge, state the ruling or relief sought and the grounds therefor, and be accompanied, if appropriate, by a proposed order. Each written motion must be filed. An oral motion may be made only at the formal hearing or a conference.

(b) Within seven days after service of a written motion, a party may file an answer supporting or opposing the motion.

(c) Unless otherwise authorized by the administrative law judge, no oral argument is heard on a written motion. A brief may be filed with a written motion or an answer to a written motion.

(d) The administrative law judge issues a ruling and any appropriate order for each motion made.

(e) Except as otherwise provided in §§ 148.253 and 148.263, a ruling of the administrative law judge on a motion may not be appealed to the Commandant. The administrative law judge may refer any ruling to the Commandant for review if he determines that the ruling involves an important question of law or policy.

### § 148.281 Subpoenas.

(a) At any time before a formal hearing is completed, a party may submit a request to the administrative law judge for issuance of a subpoena. A request for issuance of a subpoena must show the general relevance and scope of the evidence sought.

(b) A proposed subpoena and fifteen copies, and witness fees for one day and mileage, must be submitted with each request. A proposed subpoena must contain:

(1) The docket number of the proceeding;

(2) The captions "Department of Transportation," "Coast Guard," and "Licensing of Deepwater Port for coastal waters off (*insert name of the coastal state closest to the proposed deepwater port and the docket number of the proceeding*)";

(3) The name and office of the administrative law judge;

(4) A statement commanding the person to whom the subpoena is directed to attend the formal hearing and give testimony or, for a subpoena to produce documentary evidence, a statement commanding the person to produce designated documents, books, papers, or other tangible things at a designated time or place; and

(5) Explanation of the procedure in § 148.279 and paragraph (e) of this section for quashing a subpoena.

(c) Unless otherwise authorized by the administrative law judge, a subpoena must be served in accordance with Rule 45 of the Federal Rules of Civil Procedure.

(d) A subpoenaed witness is paid the same fees and mileage paid to witnesses subpoenaed in District Courts of the United States. The person requesting a subpoena must pay the fees and mileage.

(e) Any motion to quash a subpoena must be submitted within seven days after service of the subpoena.

(f) If a person does not comply with a subpoena and the administrative law judge on motion rules that good cause has been shown for seeking judicial enforcement of a subpoena, he refers his ruling to the Commandant.

### § 148.283 Hearing date.

(a) The administrative law judge schedules the formal hearing by issuing a notice to the parties.

(b) The clerk mails or delivers a copy of the notice to any person who requests it.

### § 148.285 Reporter; transcript; corrections.

(a) The reporter for a formal hearing is arranged for by the clerk. The reporter prepares a verbatim transcript of the hearing under the supervision of the administrative law judge. Nothing may be deleted from the transcript unless ordered by the administrative law judge and noted in the transcript.

(b) After a formal hearing is completed, the administrative law judge certifies and forwards the transcript to the clerk for docketing.

(c) At any time within 20 days after the transcript is docketed, the administrative law judge may make corrections to the certified transcript. Corrections when filed are attached to the transcript as appendices. Any motion to correct the transcript must be submitted within ten days after the transcript is docketed.

### § 148.287 Order of procedure.

The administrative law judge determines the order of procedure for each formal hearing.

### § 148.289 Evidence.

A party may present evidence and conduct cross-examination of witnesses at a formal hearing. Other persons may present evidence that they have been authorized to present under § 148.265.

### § 148.291 Rulings referred or appealed to the Commandant.

(a) The Commandant reviews each ruling referred or appealed to him under this subpart and issues a ruling and any appropriate order. Unless otherwise ordered by the Commandant or the administrative law judge, review of a ruling does not stay a formal hearing or extend a time period prescribed by this subpart.

(b) If the administrative law judge refers a ruling to the Commandant, he gives notice to the parties of the referral.

## APPLICATION APPROVAL OR DENIAL

### § 148.321 Decision process generally.

(a) During the 45-day period immediately following the completion of the final public hearing on a proposed deepwater port license for a designated application area, opportunity is provided for the various Federal departments and agencies having expertise concerning, or jurisdiction over, any aspect of ownership, construction, or operation of deepwater ports or having a duty under the Act with respect thereto and the Governor of each adjacent coastal State to formulate and transmit to the Secretary their determinations, recommendations, opinions and approvals or disapprovals, as the case may be.

(b) Within 45 days after the expiration of the 45-day period described in paragraph (a) of this section, the Secretary approves or denies each application for a deepwater port license in the designated application area.

### § 148.323 Criteria and considerations.

(a) The Secretary approves an application only after he determines that:

(1) The applicant is financially responsible and will carry insurance or give evidence of other financial responsibility in the amount of $50,000,000 to cover the clean-up costs and damages that could result from a discharge of oil from the deepwater port concerned or from a vessel moored at the deepwater port;

(2) The applicant can and will comply with applicable laws, regulations, and license conditions;

(3) The construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality;

(4) The deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law;

(5) In accordance with the environmental review criteria set forth in Appendix A to this part, that the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology, so as to prevent or minimize adverse impact on the marine environment; and

(6) The adjacent coastal State to which the deepwater port concerned is to be connected by pipeline, has developed, or is making, at the time the application was submitted, reasonable progress toward developing an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 in the area to be directly and primarily impacted by land and water development in the coastal zone resulting from the deepwater port or is receiving a planning grant under section 305 of the Coastal Zone Management Act.

(b) In deciding whether to approve or deny an application and in making the related preliminary determinations specified in paragraph (a) of this section, the Secretary considers:

(1) The information set forth in the application concerned and any other applications for licenses for the same application area submitted in accordance with section 5(d)(3) of the Act;

(2) The information developed during hearings held pursuant to §§ 148.231 through 148.291;

(3) The final environmental impact statement for the application area concerned;

(4) The views of the Secretary of the Army, the Secretary of State, and the Secretary of Defense on the adequacy of the application and its effects on programs within their respective jurisdictions;

(5) The views and recommendations of the heads of any other Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the ownership, construction or operation of deepwater ports; and

(6) The opinions of the Federal Trade Commission and the Attorney General as to whether issuance of the license would adversely affect competition, restrain trade, promote monopolization or otherwise create a situation in contravention of the antitrust laws.

(c) The Secretary does not approve an application if, within the 45-day period immediately following the completion of the final public hearing:

(1) The Administrator of the Environmental Protection Agency determines that the proposed deepwater port will not conform with all applicable provisions of the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, or the Marine Protection, Research and Sanctuaries Act, as amended; or

(2) The Governor of an adjacent coastal State disapproves the issuance of the license.

### § 148.325 Multiple applications.

(a) Except as provided in paragraph (b) of this section, in the case of more than one application for a deepwater port license in a designated application area, only one application may be approved according to the following order of priorities:

(1) An applicant that is an adjacent coastal State (or combination of States), any political subdivision thereof or agency or instrumentality, including a wholly owned corporation thereof.

(2) An applicant who is not:

(i) Engaged in producing, refining, or marketing oil;

(ii) An affiliate of any person who is engaged in producing, refining or marketing oil; or

(iii) An affiliate of such an affiliate.

(3) Any other applicant.

(b) Notwithstanding the order of priorities listed in paragraph (a) of this section, if the Secretary determines that one of the proposed deepwater ports will clearly best serve the national interest, he may approve the application for that port. In making this determination, the Secretary considers:

(1) The degree to which the proposed deepwater ports affect the environment as determined under the review criteria set forth in Appendix A to this part;

(2) Any significant differences between anticipated completion dates for the proposed deepwater ports; and

(3) Any differences in costs of construction and operation of the proposed deepwater ports to the extent that such differential may significantly affect the ultimate cost of oil to the consumer.

### § 148.327 Termination of proceeding before approval or denial of an application.

The Commandant terminates a proceeding if:

(a) All applications are withdrawn before the decision approving or denying them is issued; or

(b) In a proceeding with one application that does not have all of the information required by Subpart B of this part, the applicant after inquiry by the application staff does not provide adequate assurance that further information to make the application is forthcoming.

## Subpart D—Issuance of a License

### § 148.400 Applicability.

This subpart prescribes rules that apply to the issuance of a license under the Act.

### § 148.403 Issuance of a license.

If an application under the Act is approved, a license is issued containing the following:

(a) The name and number or identification of the port.

(b) The name of the owner and operator of the port.

(c) Conditions to the ownership, construction, and operation of the deepwater port issued under section 4(e) of the Act.

### § 148.405 Term of license.

Each license is issued for a term of 20 years, unless a shorter period is requested in the application.

### § 148.407 Consultation with adjacent coastal States.

(a) The Governor of an adjacent coastal State may consult with the application staff concerning license conditions that the application staff may have under consideration.

(b) If the Governor of an adjacent coastal State notifies the Secretary that an application, which would otherwise be approved in a proceeding, is inconsistent with State programs relating to environmental protection, land and water use, or coastal zone management, the notification should include a description of:

(1) The State's environmental protection, land or water use, or coastal zone management program with which the application is inconsistent and how the application is inconsistent; and

(2) Conditions that if imposed on the license would make it consistent with the State program.

## Subpart E—Site Evaluation

SOURCE: CGD 75-194, 41 FR 16800, Apr. 22, 1976, unless otherwise noted.

### § 148.501 Purpose.

(a) This subpart prescribes requirements for site evaluation and preconstruction testing at potential deepwater port locations.

(b) For the purpose of this subpart, "site evaluation and preconstruction testing" means all field studies performed at potential deepwater port locations, including—

(1) Preliminary studies to determine site feasibility;

(2) Detailed studies of the topographic and geologic structure of the ocean bottom to determine its ability to support offshore structures and appurtenances; and

(3) Studies involved with the preparation of the environmental analysis required under § 148.109(t).

### § 148.503 Notice of proposed site evaluation activities.

(a) Any person desiring to conduct site evaluation and preconstruction testing at potential deepwater port sites must submit a written notice to the Commandant (G-W), U.S. Coast Guard, Washington, DC 20593, at least 10 days before the commencement of any activities.

(b) The written notice of proposed site evaluations and preconstruction testing at potential deepwater port locations must include the following:

(1) The identification of persons or agencies participating in the proposed activities.

(2) The type of activities and the manner in which they will be conducted.

(3) Chartlets showing the location where the proposed activities are to be conducted and locations of all offshore structures, including pipelines and cables, in or near the area of proposed activity.

(4) The specific purpose of the activities.

(5) The dates on which the activities will be commenced and completed.

(6) Available environmental data on the environmental consequences of the activities.

(7) A preliminary report, based on existing data, of the historic and archeological significance of the area where the proposed activities are to take place, including a report of each contact made with any appropriate State liaison officer for historic preservation.

(c) For the activities listed below, because they are not usually harmful to the environment, the notice need contain only the information required in paragraphs (b)(1) (2), and (5) of this section, as well as a general indication of the proposed location and purpose of the activities:

(1) Gravity and magnetometric measurements.

(2) Bottom and sub-bottom acoustic profiling without the use of explosives.

(3) Sediment sampling of a limited nature using either core or grab samplers if geological profiles indicate no discontinuities that may have archeological significance.

(4) Water and biotic sampling, if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if permitted by another Federal agency.

(5) Meterological measurements, including the setting of instruments.

(6) Hydrographic and oceanographic measurements, including the setting of instruments.

(7) Small diameter core sampling to determine foundation conditions.

(d) The Coast Guard advises and coordinates with appropriate Federal agencies and States concerning activities under this subpart.

(e) If necessary, the Coast Guard requires additional information in individual cases.

### § 148.505 General conditions of performance.

(a) No person may conduct activities to which this subpart applies except in compliance with the regulations in this subpart and all other applicable laws and regulations.

(b) A separate written notice is required for each site.

(c) Measures must be taken to prevent or minimize the effect of those activities that may—

(1) Adversely affect the environment;

(2) Interfere with authorized uses of the Outer Continental Shelf or navigable waters; or

(3) Pose a threat to human health and welfare.

### § 148.507 Reports.

Each person conducting site evaluation and preconstruction testing at potential deepwater port locations shall—

(a) Notify the Coast Guard of any evidence of objects of cultural, historical, or archeological significance immediately upon their discovery;

(b) Notify the Coast Guard immediately of any—

(1) Adverse effects on the environment;

(2) Interference with Authorized uses of the Outer Continental Shelf;

(3) Threat to human health and welfare; and

(4) Adverse effects on any site, structure, or object of potential historical or archeological significance; and

(c) Submit a preliminary written report to the Coast Guard within 30 days after the completion of activity that contains, as reasonably available at that time—

(1) A narrative description of the activities performed;

(2) Charts, maps, or plats for the area where the activities were conducted and referencing the narrative description required in paragraph (c)(1) of this section;

(3) The dates on which the activities were performed;

(4) Information on any adverse effects on the environment, other uses of the area where the activities were conducted, human health or welfare, or any site, structure, or object of potential historical or archeological significance;

(5) Data on the historical or archeological significance of the area where the activities were conducted, including the report of an underwater archeologist, if physical data indicate the need for such expertise as related to the activities undertaken; and

(6) Any addtional information that may be required by the Coast Guard; and

(d) Submit to the Coast Guard within 120 days after the completion of activity a final detailed report that contains all the data required in paragraph (c) of this section that was not included in the preliminary report.

### § 148.509 Suspension and prohibition of activities.

(a) The Commandant may order, either in writing or orally with written confirmation, the immediate suspension, for a period not to exceed 30 days, of any site evaluation activity when, in his judgment, such activity threatens immediate, serious, and irreparable harm to human life, biota, property, cultural resources, any valuable mineral deposits, or the environment. During any suspension the Coast Guard will consult with the sponsor of the activity suspended concerning appropriate measures to remove the cause for suspension. A suspension may be rescinded at any time upon presentation of satisfactory assurance by the sponsor that the activity no longer adversely threatens the quality of the human environment.

(b) The Commandant may prohibit those activities that—

(1) Are suspended under paragraph (a) of this section, if the cause for suspension is not or cannot be removed;

(2) Threaten immediate, serious, and irreparable harm to life, including biota, property, cultural resources, any valuable mineral deposits, or the environment;

(3) Violate the requirements of this subpart; or

(4) Are otherwise inconsistent with the purposes of the Act.

## Subpart F—Procedure for Exemption From Any Requirement in Deepwater Port Regulations

### § 148.601 Applicability.

This subpart sets forth the procedures governing exemptions from any requirement in this Part 148, Parts 149 and 150.

### § 148.603 Petition for exemption.

(a) Any person required to comply with any specific requirements in Part 148, Parts 149 and 150 may submit a petition to the Commandant for an exemption.

(b) A petition for exemption must be submitted in writing. It may be in any form, but it must be specific and it must contain all data necessary to evaluate its merits.

### § 148.605 Coordination with states.

A petition for exemption under this subchapter that appears to involve the interests of an adjacent coastal State will be referred to the Governor of that State for consideration and recommendation.

### § 148.607 Exemption criteria.

The Commandant grants an exemption if he determines that:

(a) Compliance with the regulations would be contrary to the public interest;

(b) Compliance would not enhance safety or the environment;

(c) Compliance is not practical because of local conditions or because the materials or personnel needed for compliance are unavailable;

(d) National defense or national economy justify a departure from the rules; or

(e) The alternative proposed in the petition would:

(1) Ensure comparable or greater safety; environmental protection; and quality of construction, maintenance and operation of a deepwater port; and

(2) Would be consistent with recognized principles of international law.

## APPENDIX A—ENVIRONMENTAL REVIEW CRITERIA FOR DEEPWATER PORTS

I. *Authority.* The Deepwater Port Act of 1974, Pub. L. 93-627 (33 USC 1501 et seq.), authorizes the Secretary of Transportation to issue, transfer, amend, or renew a license for the ownership, construction, and operation of a deepwater port. Section 6 of the Act requires the Secretary to establish environmental review criteria which shall be used to evaluate a deepwater port as proposed in an application for a license. By amendment of Part 1 of Title 49, Code of Federal Regulations (49 CFR 1.46(t)), dated April 25, 1975, the Secretary delegated to the Commandant of the Coast Guard the responsibility to establish such criteria (40 FR 20088-20089). (49 CFR 1.46(t) is presently redesignated as 49 CFR 1.46(s) (40 FR 43901-43906)).

Section 6 of the Act reads as follows:

Sec. 6. (a) The Secretary, in accordance with the recommendations of the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration and after consultation with any other Federal departments and agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish, as soon as practicable after the date of enactment of this Act, environmental review criteria consistent with the National Environmental Policy Act. Such criteria shall be used to evaluate a deepwater port as proposed in an application, including—

(1) the effect on the marine environment;

(2) the effect on oceanographic currents and wave patterns;

(3) the effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and exploitation of other living and nonliving resources;

(4) the potential dangers to a deepwater port from waves, winds, weather, and geological conditions, and the steps which can be taken to protect against or minimize such dangers;

(5) effects of land-based developments related to deepwater port development;

(6) the effect on human health and welfare; and

(7) such other considerations as the Secretary deems necessary or appropriate.

(b) The Secretary shall periodically review and, whenever necessary, revise in the same manner as originally developed, criteria established pursuant to subsection (a) of this section.

(c) Criteria established pursuant to this section shall be developed concurrently with the regulations in section 5(a) of this Act and in accordance with the provisions of that subsection.

II. *Purpose.* A. Environmental review criteria shall be used to evaluate a deepwater port as proposed in an application for a license to own, construct and operate a deepwater port. The criteria shall be consistent with the National Environmental Policy Act, Pub. L. 91-190 (42 USC 4321 et seq.), which declares a national environmental policy. The Secretary of Transportation may issue a license in accordance with the provisions of the Act if, among other things, he determines:

—that the construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality; and

—in accordance with the environmental review criteria established pursuant to section 6 of the Act, that the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology to prevent or minimize adverse impact on the environment. (Sections 4(c)(3) & (5) of the Act.)

These criteria are therefore intended to be used to evaluate the environmental soundness of a proposed deepwater port and to serve as basic guidelines for determining what environmental impacts could result from deepwater port development and the procedures and technology which can be used to prevent or minimize adverse impacts.

B. In accordance with section 5(f) of the Act, these criteria shall also be considered in the preparation of a single, detailed environmental impact statement for all timely applications covering a single application area. Additionally, section 5(i)(3) of the Act specifies that, in the event more than one application is submitted for an application area, the criteria shall be used, among other factors, in determining whether any one proposed deepwater port clearly best serves the national interest.

III. *Environmental review criteria.* The environmental review of a proposed deepwater port consists of two parts. The *first* part involves assessment of the probable negative and positive environmental impacts which will result from construction and operation of the port. The *second* part appriases the effort made by the applicant to prevent or minimize adverse environmental effects. Guidelines for such an effort are set forth and will be closely considered in the review.

The overall intent of this review is to arrive at a comprehensive evaluation of the significance of the discrete and cumulative environmental impacts, adverse and beneficial of the project as proposed and to determine whether or not the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology, so as to prevent or minimize adverse impact on the marine environment.

A. The proposed deepwater port will be evaluated to assess the magnitude and importance of its probable negative and positive environmental impacts. This review will include comparison with reasonable alternative actions, such as: the no-action case (alternative transportation schemes for imported oil); alternative sites, designs, and systems; and other deepwater ports. The information necessary for such an evaluation will be provided by the Federal Environmental Impact Statement and other sources as necessary. A picture of the relative net environmental impact of the proposed project should be obtained. Also, identification of actions which might be taken with respect to procedures and technology to prevent or minimize probable adverse effects will be made. The following are the primary areas of concern:

1. *The Effect on the Marine Environment:* (NOTE: The term "marine environment" includes the navigable waters (including the lands therein and thereunder) and the adjacent shorelines (including the waters therein and thereunder); transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, beaches, waters of the contiguous zone, waters of the high seas; the fish, wildlife and other living resources thereof; and the recreational and scenic values of such lands, waters and resources.)

a. The potential effects of surface and bottom disturbances and increased turbidity both directly on ecological habitats and on the life stages of biological populations and indirectly on such habitats and populations through modifications of the physical, geological, and/or chemical environment.

b. The potential effects of pollutants, especially oil, on ecological habitats and the life stages of biota.

c. The potential effects on threatened or endangered species and on ecosystems.

2. *The Effect on Oceanographic Currents and Wave Patterns:*

a. The potential primary effects of construction and operation on,

i. surface, midwater and bottom currents,

ii. waves,

iii. tides and tidal currents, especially in constricted coastal areas and estuaries,

iv. ice;

b. The potential secondary impacts of changes to current and wave patterns on sand and sediment transport, turbidity, beach processes, salinity and sedimentation rates resulting from changes to current, wave and tide patterns; and, the resulting impacts on biological systems, on shorelines and beaches, and on their alternate uses.

3. *The Effects on Alternate Uses of the Oceans and Navigable Waters:*

a. Scientific study;

b. Fishing (commercial and recreational);

c. Exploitation of other living and nonliving resources;

d. Sanctuary maintenance;

e. Recreation;

f. Approved costal zone management plans;

g. Power generation;

h. Transportation;

i. Other commercial, industrial or public uses and the national defense.

4. *The Potential Environmental Dangers to a Deepwater Port:*

a. From waves, winds, weather, and geological conditions;

b. The steps which can be taken to minimize such dangers with respect to,

i. siting,

ii. design,

iii. construction,

iv. operations and procedures.

5. *The Effects of Land-Based Developments Related to Deepwater Port Development on:*

a. Stream and river flow, ground and surface water quality and supplies;

b. Marine water quality;

c. Air quality;

d. Alternate land and water uses,

i. wetlands,

ii. habitats,

iii. nurseries,

iv. recreation,

v. wilderness, preserves, and wild and scenic rivers,

vi. existing and proposed sanctuaries,

vii. historical and cultural areas,

viii. open and green space,

ix. agricultural and grazing,

x. residential and commercial,

xi. industrial,

xii. transportation,

xiii. power generation and transmission,

xiv. others.

6. *The Effect on Human Health and Welfare:*

a. Health—

i. the physiological effects of reduced or altered air and water quality or supply, of altered or increased noise levels or quality, of altered community density, etc., and the psychological effects of the above;

ii. the risk of human safety and life posed by a proposed project.

b. Welfare—the ultimate effects of dynamic economic and social change inflicted directly or induced upon the relevant communities, including but not limited to the projected changes in employment, population density, housing and public services, and tax base.

B. In this second part, the proposed project will be appraised for the effort made to prevent or minimize the probable adverse impacts on the environment. This appraisal is primarily concerned with the project as proposed and alternatives are relevant only insofar as they may represent a spectrum of possible actions against which the proposal will be judged. Areas of concern are: siting, design, construction, and operation; and, land use and coastal zone management. Specifically, the review will consider the degree of adherence to the following guidelines.

1. *Siting*—A proposed deepwater port should be sited in an optimum location in order to prevent or minimize possibly detrimental environmental effects. For example:

a. The deepwater port and all its components, including receiving terminals, inline transportation facilities and stations, ancillary and service facilities, and pipeline, should occupy the minimum space necessary for safe and efficient operation and should be located, as much as possible, in areas in which permanent alteration of wetlands is not necessary. Buffer zones should be provided to separate onshore facilities from incompatible adjacent land uses.

b. The deepwater port facility and its offshore components should be located in areas which have stable sea-bottom characteristics and, its onshore components should be located in areas in which a stable foundation can be developed and flood protection levees, if appropriate, can be constructed.

c. The deepwater port facility should be located in an area where existing offshore structures and activities will not interfere with its safe operation, and where the facility or navigation to and from that facility, will not interfere with the safe operation of existing offshore structures. Water depths and currents in and around the deepwater port and its approaches should pose no undue hazard to safe navigation. Extensive dredging or removal of natural obstacles such as reefs, should be avoided. The siting procedure should select an area where projected weather, wave conditions, and seismic activity minimize the probability that damage will occur to the deepwater port, tankers, pipeline, and component shoreside facilities from storms, earthquakes, or other natural hazards.

d. Selection of sites should maximize the permitted use of existing work areas, facilities and access routes for construction and operations activities. Where temporary work areas, facilities, or access routes must be used, they should be to the fullest extent possible, designed and constructed in such a manner to permit restoration to the preconstruction environmental conditions or better.

e. The deepwater port facility, navigational fairway(s) and pipelines should be sited where the interactions of facilities' requirements and natural environment are optimized to prevent adverse impacts or to produce minimal, acceptably low adverse effects. Key factors in assessments should include (but not necessarily be limited to) projected winds, waves, current, spill size and frequency, cleanup capability, shoreline/estuarine/bay sensitivity; biological resources, damage potential and recovery rate; facility design; and project economics.

f. The deepwater port, pipeline, and attendant facilities should be located as far as practicable from the vicinity of critical habitats for biota, including but not limited to commercial and sports fisheries and threatened and endangered species.

g. Sites should reflect negligible displacement of existing or potentially important uses such as the following:

i. fisheries,

ii. recreation,

iii. mining.

iv. oil and gas production.

v. transportation.

h. Siting should favor areas already allocated for similar use and the implications of density of such uses.

i. port facilities—existing tanker and barge traffic—existing ports which can be used for service vessels.

ii. pipelines—use of existing corridors.

iii. secondary facilities—use of (or expansion of) existing storage, refinery, and other support facilities.

iv. construction facilities—use of existing equipment and personnel staging yards.

i. The deepwater port, pipelines and other offshore facilities should be sited so as to not permanently interfere with the natural littoral process or to alter significantly any tidal pass or other part of the physical environment important to natural currents and wave patterns.

j. Pipelines, or other deepwater port components or facilities requiring dredging, should not be located where sediments with high levels of heavy metals, biocides, oil, or other pollutants or hazardous materials exist.

2. *Design, Construction and Operation*—Selection of design and procedures for construction and operation of a deepwater port must reflect use of best available technology. For example:

a. All oil transfer, transportation, and storage facilities, systems and equipment should include appropriate safeguards and backup systems and/or be operated under procedures to minimize both the possibility of pollution incidents resulting from personnel and equipment failures, natural calamities and casualties, such as tanker collisions or groundings, and the adverse effects of those pollution incidents which occur. These facilities, systems, and equipment, should be designed to permit safe operation, including appropriate safety margins, under maximum operating loads and the most adverse operating conditions to which each may be subjected.

b. All facilities should be provided with a safe, environmentally sound method for the collection, storage, and disposal of solid and liquid wastes generated by such facilities. When prescribed by law or regulation, the deepwater port may be required to be fitted with additional facilities for the collection and treatment of ship-generated liquid and solid wastes, such as oily bilge and oily ballast water, tank cleaning residues, sludge wastes, and sewage and garbage.

c. The proposed project should be designed, constructed and operated so as not to interfere permanently with natural littoral processes or other significant aspects of currents and wave patterns. Additionally, harmful erosion or accretion, both onshore and offshore, should be prevented. Groundwater drawdown or saltwater intrusion should not be permitted. Moreover, mixing of salt, brackish, and fresh waters should be minimized. Designs should not include factors which will disrupt natural sheetflow, water flow, and drainage patterns or systems.

d. The proposed project should not interfere with biotic populations. Potential effects on breeding habitats or migration routes should receive particular attention.

e. The proposed project should be designed, constructed and operated so as to make maximum feasible use of already existing local facilities such as roads, pipelines, docking facilities and communications facilities.

f. Disposal of spoil and refuse material should be effected only at disposal sites specifically selected and approved by competent authorities. Whenever and wherever possible, the proposal should provide for resource recovery, reclamation of affected areas, or enhancing uses of spoil and waste.

g. Personnel trained in oil spill prevention should be present at critical points at the deepwater port (as identified in the accident analysis). Personnel should also be trained in oil spill control to mitigate the effects of any spill which may occur.

3. *Land Use and Coastal Zone Management*—A deepwater port should not conflict with existing or planned land use including management of the coastal region. A measure of whether or not conflict exists will be made by the following means:

a. The proposed project should adhere closely to approved master plans or other plans of competent local or State authorities in designated adjacent coastal States or in other States where significant effects are likely to occur. A minimum of special exceptions or zoning variances should be required. Non-conforming uses should not be prolonged where reasonable alternatives are available.

b. The proposed project should conform with approved or planned coastal zone management programs of the relevant adjacent coastal States.

c. The proposed use of floodplains should not entail loss of wetlands nor should such use pose an undue risk of exposure of that use to flood damage, increase the potential need for Federal expenditures for flood protection or flood disaster relief, decrease the unique public value of the floodplain as an environmental resource, or provide an incentive for other uses of the floodplains having similar ultimate results.

(d) The use of or effect on wetlands should be considered in the following manner.

i. uses permanently altering or adversely affecting wetlands are to be avoided, or

ii. positive action must be taken to minimize adverse effects on wetlands.

### ANNEX A

1. The following environmental criteria are expressly referred to in the Deepwater Port Act of 1974:

a. Compliance with the Clean Air Act (4(c)(6)).

b. Compliance with the Federal Water Pollution Control Act (4(c)(6)).

c. Compliance with the Marine Protection, Research and Sanctuaries Act (4(c)(6)).

d. Effect on the marine environment (6(a)(1)).

e. Effect on oceanographic currents and wave patterns (6(a)(2)).

f. Effect on alternate uses of the oceans and navigable water, such as scientific study, fishing, and exploitation of other living and nonliving resources (6(a)(3)).

g. The potential dangers to a deepwater port from waves, wind, weather and geological conditions, and the steps which can be taken to protect against or minimize such dangers (6(a)(4)).

h. Effects of land-based developments related to deepwater port development (6(a)(5)).

i. Effect on human health and welfare (6(a)(6)).

j. Consistency with adjacent coastal States' programs relating to environmental protection, land and water use, and coastal zone management (9(b)).

k. Development of an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 in the area to be directly and primarily impacted by deepwater port land and water development in the coastal zone of that State directly connected by pipeline to the proposed deepwater port (9(c)).

l. Pursuant to section 102(c)(2) of the National Environmental Policy Act, prepare a single, detailed environmental impact statement for each application area (5(f)).

[CGD 75-002, 40 FR 52553, Nov. 10, 1975; 40 FR 58143, Dec. 15, 1975]

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SOURCE: CGD 75-002, 40 FR 52565, Nov. 10, 1975, unless otherwise noted.

## Subpart A—General

### § 149.101 Purpose.

This part describes design, construction, and equipment requirements for each deepwater port.

### § 149.105 Licensee.

The licensee of a deepwater port shall ensure that the port meets the design and construction requirements in this part.

## Subpart B—Design and Equipment; General

### § 149.201 Applicability.

This subpart prescribes requirements for design and equipment that apply to each deepwater port.

### § 149.203 Enginering drawings and specifications.

(a) The licensee of a deepwater port must submit to the Commandant (G-W) three copies of each construction drawing and specification necessary to show compliance with the requirements of the Act and the regulations in this subchapter, a list of all drawings, and each revision to a construction drawing and specification of each:

(1) Fixed marine component; and

(2) Floating marine component.

(b) Each construction drawing and specification, and each revision required to be submitted by paragraph (a) of this section must bear the seal, or a facsimile imprint of the seal of the registered professional engineer responsible for the accuracy and adequacy thereof.

(c) The Coast Guard reviews and evaluates construction drawings and specifications to ensure compliance with the Act and Subchapter NN. The licensee of a deepwater port may not begin construction, or installation of prefabricated components, until the applicable drawings and specifications are approved by the Commandant (G-W). The Coast Guard makes periodic inspections at the construction site and at component construction sites to ensure compliance with approved drawings and specifications. As used in this paragraph, the term "approved" means that each drawing or specification meets the requirements of the Act and the regulations in this subchapter.

(d) When construction or installation of each component is complete, the licensee of a deepwater port must submit two complete sets of record drawings and specifications on 105 mm negatives to the Commandant (G-W). Each negative must be:

(1) Placed in a separate envelope, and

(2) Identified and indexed.

### § 149.205 Design standards.

(a) Each fixed marine and floating component of a deepwater port, except hoses, mooring lines, and aids to navigation buoys, must be designed to withstand at least the combined wind, wave, and current forces of the most severe storm that can be expected to occur in any period of 100 years at the port.

NOTE: "Recommended Procedure for Developing Deepwater Ports Design Criteria" describes a method to prepare the wind, wave, and current criteria for use in determining the forces of the storm described by this paragraph. This guide may be obtained from the Commandant (G-W).

(b) Each platform must be designed in accordance with the American Petroleum Institute "Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms" (API RP 2A), and the codes and standards in API RP 2A, to the extent that the recommended practice, codes, and standards are consistent with this subchapter.

(c) Each electrical installation on a platform must be designed, to the extent practicable, in accordance with 46 CFR 110-113.

(d) Each boiler and pressure vessel on a platform must be designed in accordance with Sections I, IV, and VIII of the American Society of Mechanical Engineers "ASME Boiler and Pressure Vessel Code" to the extent that the code is consistent with this subchapter.

(e) Main oil transfer piping on a platform must be designed in accordance with the American National Standards Institute (ANSI B 31.4) Liquid Petroleum Transportation Piping Systems.

### § 149.206 Construction.

(a) The following walls or decks on a platform must meet the requirements in 46 CFR 92.07-5(b) for "A" class bulkheads, except that each wall or deck must be made of steel:

(1) Each wall or deck that separates a galley, a paint and lamp locker, a space housing emergency power generating equipment, or a machinery space from any other space.

(2) Each wall or deck of an interior stairway connecting enclosed spaces on three or more decks.

(3) Each wall or deck of an elevator shaft, of a dumbwaiter shaft, and of any other shaft connecting two or more enclosed spaces.

(b) The following walls or decks on a platform must meet the requirements in 46 CFR 92.07-5 (b) or (c) for "A" or "B" class bulkheads:

(1) Each corridor wall or deck of a personal accommodation space.

(2) Each wall or deck of a stairway that connects two decks or each wall or deck of a structure enclosing an opening to the stairway.

(c) A platform wall or deck that is not described in paragraph (a) or (b) of this section must meet the requirements in 46 CFR 92.07-5 (b), (c), or (d) for "A", "B", or "C" class bulkheads.

(d) Each deck and stairway on a platform must be made of steel and may have a deck covering.

(e) A space that is described in paragraphs (a)(2) or (a)(3) of this section must be enclosed by walls and decks.

(f) Each interior stairway that connects two enclosed spaces on a platform must be enclosed by walls and decks or an opening to the stairway must be enclosed by a structure.

(g) Each interior stairway that connects three or more decks on a platform must have access to each deck.

(h) Each opening in a wall or deck on a platform must have a closure that meets the requirements in this section for the wall or deck. Each door must:

(1) Be a self-closing type;

(2) Not have holdback hooks or other means of permanently holding the door open, except for magnetic holdbacks operated from a suitable remote control position; and

(3) Not have a louver or other opening, except that a door to a sleeping space may have a louver in the lower half of the door.

(i) Internal deck coverings, except those in washrooms and toilet spaces, must be of a type approved under 46 CFR Subpart 164.006. Overlays for leveling or finishing purposes which do not meet the requirements in 46 CFR Subpart 164.006 may be used in thicknesses not exceeding 3/8 of an inch.

(j) Each ceiling, sheathing, furring, and insulation on a platform, must be a noncombustible material of a type that is approved under 46 CFR 164.009.

(k) The interior finish on each wall and ceiling in a corridor or hidden space on a platform must be a type that is approved under 46 CFR 164.012. Walls within a room may have a combustible veneer not to exceed 2/28 inches in thickness

(l) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers may not be used.

### § 149.209 SPM's.

Each SPM must meet the "Rules for Building and Classing Single Point Moorings 1975" of the American Bureau of Shipping, to the extent that these Rules are consistent with this subchapter.

### § 149.211 Emergency equipment.

Each platform must have installed mountings for each item of:

(a) Lifesaving equipment; and

(b) Portable and semiportable fire fighting equipment.

### § 149.213 Helicopter fueling facilities.

Helicopter fueling facilities must comply with the requirements of the National Fire Protection Association, National Fire Code No. 407, Part VI "Fueling on Elevated Heliports". For the purpose of this section, "ground level" as used in the National Fire Code means "below the lowest platform working level".

### § 149.215 Interference with helicopter operations.

Aids to navigation, communication, or radar equipment must be installed so as not to interfere with helicopter operations.

### § 149.217 First aid station.

Each PPC must have a first aid station that has an adjoining space for two beds.

## Subpart C—Pollution Prevention Equipment

### § 149.301 Applicability.

This subpart prescribes requirements for pollution equipment that apply to each deepwater port.

### § 149.303 Overflow and relief valve.

(a) Each oil transfer system must include a relief valve, that, when activated, prevents pressure on any components of the OTS from exceeding maximum rated pressure.

(b) No oil transfer system overflow or relief valve may be installed so as to allow an oil discharge into the sea.

### § 149.305 Pipeline end manifold (PLEM) shutoff valve.

(a) Each pipeline end manifold (PLEM) at a single point mooring must have a shutoff valve.

(b) Each shutoff valve required by this section must be capable of operation from the Cargo Transfer Supervisor's normal place of duty.

(c) Each shutoff valve required by this section must be capable of manual operation.

### § 149.307 Blank flange and shutoff valve.

Each floating hose string must have a blank flange and a shutoff valve at the vessel manifold end.

### § 149.309 Manually operated shutoff valve.

Each oil transfer line passing through the SPM buoy must have a manual shutoff valve on the buoy.

### § 149.311 Malfunction detection system.

Each oil transfer system must have a system that can—

(a) Detect and locate all leaks and other malfunctions, between the PPC and the shore; and

(b) Be monitored at the Cargo Transfer Supervisor's normal place of duty.

### § 149.313 Oil transfer system alarm.

Each oil transfer system must have an alarm system to signal a malfunction or failure of the system that is—

(a) Capable of being activated at the Cargo Transfer Supervisor's normal place of duty;

(b) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter;

(c) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light; and

(d) Distinguishable from the general alarm.

### § 149.315 Marking of oil transfer system alarm.

(a) Each oil transfer alarm switch must be identified by the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual oil transfer alarm signalling device under § 149.313 must have a sign with the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

### § 149.317 Communications equipment.

(a) Each deepwater port must have:

(1) A means that enables two-way voice communication among:

(i) The Cargo Transfer Supervisor;

(ii) The vessel's officer in charge of cargo transfer;

(iii) The Cargo Transfer Assistant;

(iv) The Port Superintendent;

(v) The master or person in charge of service craft operating at the deepwater port; and

(vi) The person in charge on the PPC;

(2) A means, which may be the communications system itself, that enables each of the persons listed in paragraph (a)(1) of this section to indicate his desire to communicate with another of those persons; and

(3) Communications equipment and facilities that must meet the requirements of 47 CFR 81 and 83.

(b) Each portable means of communication used to meet the requirements of this section must be:

(1) Certified under 46 CFR 111.80-5 to be operated in a Group D, Class 1, Division 1, Atmosphere; and

(2) Permanently marked with the certification required in paragraph (b)(1) of this section.

### § 149.319 Discharge containment and removal material, and equipment.

(a) Each deepwater port must have stored, on the pumping platform or a service craft operating at the deepwater port, oil discharge containment and removal material and equipment that, to the extent best available technology allows, can contain and remove an oil discharge of at least 10,000 U.S. gallons for offload-only ports, or 40,000 U.S. gallons for ports where onloading operations are permitted pursuant to section 4(a)(3) of the Act.

(b) Each deepwater port must have readily accessible additional containment and removal material and equipment for containing and removing oil discharges larger than those specified in paragraph (a) of this section. For the purpose of this paragraph, access may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) The type of discharge containment and removal material and equipment that best meets the requirements of paragraphs (a) and (b) of this section must be determined on the basis of:

(1) Oil handling rates of the deepwater port;

(2) Volume of oil susceptible to being spilled;

(3) Frequency of oil transfer operations at the deepwater port;

(4) Prevailing wind and sea state condition at the deepwater port;

(5) Age, capability, arrangement of, and the licensee's experience with the oil transfer system equipment at the deepwater port; and

(6) Whether the discharge containment and removal material and equipment is shared, and the expected frequency of use and probability of availability.

### § 149.321 Special requirement for onloading ports.

Each deepwater port at which onloading operations are permitted, under section 4(a)(3) of the Act, must have a means for receiving oily residues from vessels.

## Subpart D—Safety Equipment

### § 149.401 Applicability.

This subpart prescribes requirements for safety equipment that apply to each deepwater port.

### § 149.402 Equipment not required on a PPC.

Each item of lifesaving and fire fighting equipment on a PPC that is not required by this subpart must be approved under 46 CFR Part 160 or Part 162.

## CURBS, GUTTERS, DRAINS, AND RESERVOIRS

### § 149.403 Curbs, gutters, drains, and reservoirs.

Each platform must have enough curbs, gutters, drains, and reservoirs to collect all of the following discharges and wastes in the reservoirs:

(a) All discharges from equipment, maintenance shops, and refueling facilities.

(b) All laboratory, sanitary, galley, and deck cleansing wastes, and similar wastes. Sanitary waste includes the waste from baths, showers, sinks, wash bowls, laundry, toilets and urinals.

## EMERGENCY POWER

### § 149.411 Emergency power.

(a) Each PPC must have emergency power equipment to provide power to operate all of the following simultaneously for a continuous period of eight hours:

(1) Emergency lighting circuits.

(2) Aids to navigation equipment.

(3) Communications equipment.

(4) Radar equipment.

(5) Alarm systems.

(6) Electrically operated fire pumps.

(7) Other electrical equipment designated in the Operations Manual by the licensee.

(b) No emergency power generating equipment may be located in any enclosed space on a platform that contains oil transfer pumping equipment or other power generating equipment.

## MEANS OF ESCAPE

### § 149.421 Means of escape from platform.

(a) Each platform must have at least one fixed and one unfixed means of escape from the highest working level to the water level with an entry at each working level.

(b) Each platform with living spaces must have at least two fixed means of escape from the highest level with living spaces to the water with an entry at each level below. If the highest level of the PPC contains living spaces, the two fixed means of escape required by this paragraph satisfy the requirements in paragraph (a) of this section.

(c) Each platform must have at least one fixed or unfixed means of escape for every ten persons on board the platform, including the means of escape required under paragraphs (a) and (b) of this section.

(d) When two or more fixed means of escape are installed, at least two must be as far from each other as practicable.

(e) Each fixed means of escape required under this section must be a steel ladder or steel stairway.

(f) Each unfixed means of escape required under this section must be:

(1) A portable ladder;

(2) A flexible ladder; or

(3) A knotted man rope.

(g) Two exits must be provided from each space having over 300 square feet of floor area. Where practicable, the exits must give egress to different corridors, rooms, or spaces.

(h) Exits must provide egress to the external means of escape required in this section. Dead end corridors may not be longer than 40 feet.

### § 149.423 Means of escape from helicopter landing pad.

Each helicopter landing pad on the PPC must have at least two fixed means of escape that are independent of those required by § 149.421:

(a) From the pad to the first working level below the pad or the water; and

(b) As far from each other as practicable.

## PERSONNEL LANDINGS

### § 149.431 Personnel landings.

Each PPC must have at least two personnel landings for access to the platform from the water unless:

(a) Personnel landings are not possible because of the PPC design; and

(b) The PPC has a personnel basket transfer system.

### § 149.433 Personnel landing illumination.

Each personnel landing must have at least 1 foot-candle of artificial illumination on its guard rails or fence and on its deck.

## GUARDRAILS, FENCES, NETS, AND TOEBOARDS

### § 149.441 Open sided deck, deck opening, catwalk, and helicopter pad protection.

(a) Each open sided deck, deck opening, and catwalk on each PPC must have protection that meets the "Safety Requirements for Floor and Wall Openings, Railings, and Toeboards" of the American National Standards Institute (ANSI A12.1), except each must have toeboards.

(b) Each open side of each helicopter landing pad on the PPC must have:

(1) Safety net; or

(2) A lowered walkway that is 48 inches wide, is not more than 42 inches below the level of the pad, and has guard rails that meet the requirements of ANSI A12.1, except each must have toeboards.

## FIXED FIRE MAIN SYSTEM FOR WATER

### § 149.451 Fixed fire main system for water.

Each PPC must have a fixed fire main system for water.

### § 149.453 Fire pumps.

(a) Each PPC must have at least two independently driven fire pumps that can deliver two streams of water at a continuous pitot tube pressure of at least 75 p.s.i. at each fire hose nozzle.

(b) Each fire pump must have:

(1) A relief valve on its discharge side that is set to relieve at 25 p.s.i. in excess of the pressure necessary to meet the requirement in paragraph (a) of this section;

(2) A pressure gauge on its discharge side; and

(3) Its own water source.

(c) Fire pumps may only be connected to the fire main system.

### § 149.455 Fire pump location.

The fire pumps required by § 149.453(a) may not be located in the same space.

### § 149.457 Fire hydrants.

(a) Each part of the PPC that is accessible to any person, except machinery spaces, must have enough fire hydrants so that it can be sprayed with at least two spray patterns of water.

At least one spray pattern of water must be from one length of hose.

(b) Each PPC must have enough fire hydrants so that each machinery space can be sprayed with at least two spray patterns of water from separate hydrants. Each spray pattern of water must be from one length of hose.

(c) A single length of fire hose, with nozzle attached, must be connected to each fire hydrant at all times.

### § 149.459 Fire hydrant outlet.

The outlet on each fire hydrant must not point above the horizontal.

### § 149.461 Fire hydrant and control valve shutoff valve.

Each fire hydrant and control valve must have a shutoff valve.

### § 149.463 Fire hydrant access.

Any equipment that is in the same space as a fire hydrant must not interfere with access to that hydrant.

### § 149.465 Spanner.

Each fire hydrant must have at least one spanner at the fire hydrant.

### § 149.467 Fire hose rack.

(a) Each PPC must have a hose rack at each hydrant.

(b) Each fire hose rack must be visible.

(c) Each fire hose rack in an exposed location must be protected from weather.

### § 149.469 Fire hose size.

Each length of fire hose must be:

(a) 1½ or 2½ inch nominal hose size diameter;

(b) 50 foot nominal hose size length; and

(c) Lined commercial fire hose that conforms to Underwriters Laboratories, Inc. Standard 19 or Federal specification ZZ-H-451D.

### § 149.471 Fire hose coupling.

Each fire hose coupling must:

(a) Be made of brass, bronze, or material that has strength and corrosion resistant properties at least equal to those of brass or bronze; and

(b) Have 9 threads per inch for 1½ inch hose or 7½ threads per inch for 2½ inch hose.

### § 149.473 Fire hose nozzle.

Each fire hose nozzle must be a combination solid stream and water spray fire hose nozzle that is approved under 46 CFR 162.027.

### § 149.477 Spray applicator.

Each PPC must have a low velocity spray applicator that is approved under 46 CFR 162.027 at each fire hydrant.

### § 149.479 International shore connection.

(a) The fixed fire main system of a PPC must have:

(1) At least two risers;

(2) A cutoff valve and check valve for each riser; and

(3) At least two international shore connections that meet the requirements in 46 CFR 162.034.

(b) Each riser must be in an accessible location to vessels alongside the PPC, and two of the risers must be on opposite sides of the PPC.

## OTHER FIRE EXTINGUISHING SYSTEMS

### § 149.481 Other fire extinguishing systems.

(a) Each PPC must have a manually or automatically operated fire extinguishing system in addition to the fire main system required under § 149.451 that is approved by the Commandant and meets the National Fire Protection Association standards listed in paragraph (e) of this section in the following locations:

(1) Storerooms.

(2) Workrooms containing flammable liquids.

(3) Pump rooms.

(4) Machinery spaces.

(b) Each halogenated agent or $CO_2$ system in a compartment smaller than 6000 cubic feet, and each sprinkler system, must be automatic.

(c) Each halogenated agent or $CO_2$ system in a compartment larger than 6000 cubic feet, and each foam system, must be manual.

(d) The systems selected must match the hazard to be protected as follows:

(1) Storerooms must use water sprinklers or $CO_2$.

(2) Workrooms containing flammable liquids, pumprooms, and machinery spaces must use $CO_2$, halogenated agents, or high expansion foam.

(e) Each system required under paragraph (a) of this section must meet one of the following performance standards:

(1) Water sprinkler system—NFPA No. 13.

(2) Carbon dioxide system—NFPA No. 12.

(3) Halogenated agent system—NFPA No. 12A.

(4) Foam system—NFPA No. 11A.

(f) Arrangement requirements contained in 46 CFR 95.15-10, 15 and 20 must be complied with.

(g) Each system required under paragraph (a) of this section must activate the general alarm system when it operates.

(h) Spaces that are protected by a carbon dioxide system or halogenated agent system and are normally accessible to persons on board must be fitted with an approved audible alarm that sounds automatically 20 seconds before the extinguishing agent is admitted to the space. The alarm must be conspicuously and centrally located.

(i) To the extent practicable, materials in each item of equipment required by paragraph (a) of this section must have resistance to the adverse effects of the marine environment.

### § 149.433 Fire fighting system for helicopter pads.

(a) Each PPC helicopter landing pad must have the following:

(1) A fire extinguishing system designed to:

(i) Deliver a minimum of 200 g.p.m. of water at the pressure required to overcome friction in the piping and hose lines, and produce the nozzle discharge requirements in paragraph (a)(2)(ii) of this section for 15 minutes; and

(ii) Not interfere with the simultaneous operation of the fire main.

(2) Shutoff type nozzles designed:

(i) For use with a foam concentrate listed or approved by a recognized testing agency for fire extinguishing agents;

(ii) To discharge water-foam concentrate solution or water fog at a rate of 100 g.p.m. at a pressure that will provide a foam discharge pattern at a 20 foot range with 15 foot width variable to a solid stream of foam with a minimum 50 foot range; and

(iii) To produce foam having a minimum expansion of eight, with a 25 percent drainage time of at least 5 minutes when protein base foam is used.

(3) Nozzles located so as to provide complete coverage of the helicopter landing area.

(4) A means of activating the general alarm system required by § 149.541.

(b) Aqueous film forming foam (AFFF) may be substituted for protein base foam. Generally, the quantity of water may be reduced by 30 percent from that specified for use with protein base foam. This reduction will be authorized by the Commandant on a case by case basis.

(c) Other extinguishing agents that would provide an equivalent fire fighting capability may be substituted with the approval of the Commandant.

## FIRE DETECTION AND ALARM SYSTEMS

### § 149.491 Fire detection and alarm systems.

(a) Each PPC must have the following fire detection systems that activate the general alarm system:

(1) An ionization type automatic smoke detection system in each sleeping space.

(2) A combination fixed-temperature and rate-of-rise heat detector system in each non-sleeping space that does not have an automatic fire extinguishing system unless the space is subject to a 15°F or greater per minute rate of rise.

(3) A fixed-temperature detector system in each nonsleeping space that does not have an automatic fire extinguishing system and that is subject to a 15°F or greater per minute rate of rise.

(b) To the extent practicable, materials in each item of equipment required by this section must have resistance to the adverse effects of the marine environment.

PORTABLE AND SEMIPORTABLE FIRE FIGHTING EQUIPMENT

**§ 149.501 Portable and semiportable fire extinguishers.**

(a) Each PPC must have portable or semiportable fire extinguishers that are approved by the Coast Guard under 46 CFR 162.028 or 162.039.

(b) Each semiportable fire extinguisher must be fitted with hose and nozzle or other apparatus so that the entire space in which the extinguisher is located may be protected.

**§ 149.503 Location of extinguishers.**

(a) Fire extinguishers must be installed in accordance with Table 145.10(a) in § 145.10 of this chapter.

(b) Each fire extinguisher must be located so it can easily be seen.

**§ 149.505 Spare charges.**

(a) Spare charges must be carried for at least 50 percent of each size and variety of hand portable fire extinguisher required in § 149.503. If an extinguisher is of such variety that it cannot be readily recharged by PPC personnel, one spare extinguisher of the same classification must be carried in lieu of a spare charge.

(b) Spare charges must be packed to minimize the hazards to personnel while recharging extinguishers. Acid must be contained in a crown stopper type of bottle.

**§ 149.507 Marking.**

Each hand portable extinguisher and its station must be numbered in accordance with 46 CFR 97.37-23.

**§ 149.511 Landing area with no fueling facility.**

In addition to the requirements in § 149.483 of this subchapter each helicopter landing area on a PPC with no fueling facility must have at least two USCG type B:C, size IV dry chemical extinguishers.

**§ 149.513 Landing area with a fueling facility.**

In addition to the requirements in § 149.483 each helicopter landing area on the PPC with a fueling facility must have:

(a) At least two USCG Type B:C, size II dry chemical extinguishers and at least one USCG Type B:C, size V dry chemical extinguisher; and

(b) A USCG Type B:C, size II dry chemical extinguisher at the emergency control station.

**§ 149.515 Fire axes.**

(a) Each PPC must have at least 8 fire axes.

(b) Fire axes must be distributed so as to be readily available in an emergency.

(c) Each fire axe must be located:

(1) In the open;

(2) Behind glass; or

(3) In an enclosure with a fire hose.

**§ 149.517 Fireman's outfits.**

(a) Each platform must have at least 2 fireman's outfits.

(b) Each fireman's outfit must consist of:

(1) A self contained breathing apparatus approved under 49 CFR 160.011 with a complete recharge.

(2) A three-cell, intrinsically safe flashlight with the Underwriters' Laboratories, Inc., label and a set of spare batteries for the flashlight.

(3) An oxygen and combustible gas indicator with the Underwriters' Laboratories, Inc., label, or Factory Mutual Testing Laboratories, Inc., label.

(4) Boots and gloves that are made of rubber or other electrically nonconductive material.

(5) A helmet that meets the requirements in Section 5 of the United States of America Standard Safety Code (Z2.1).

(6) Clothing that protects the skin from scalding steam and the heat of fire and that has a water resistant outer surface.

(c) Equipment must be stowed in a convenient, readily accessible location.

LIFESAVING EQUIPMENT

**§ 149.521 Lifeboats and inflatable life rafts: general.**

(a) Each PPC must have enough lifeboats or inflatable life rafts, or a combination of both, for 200% of the maximum number of personnel to be quartered or employed on the PPC, except that each PPC must have at least two lifeboats. The Commandant may reduce this requirement to a minimum of 150% under § 148.607 when it can be shown that the specific arrangements and separation of equipment provides sufficient redundancy.

(b) Each lifeboat and launching equipment for an inflatable life raft on a platform must be mounted on the outboard side of the platform in a location that is easily accessible to persons on board and that is as far apart as practicable from each other lifeboat.

(c) No lifeboat and no launching equipment for an inflatable life raft may be mounted next to a discharge opening on a platform unless the opening has a baffle or a remotely controlled device to close the opening.

(d) Each lifeboat and life raft launching station must be provided with emergency lighting to illuminate the entire launching process from the stowed position until the craft is waterborne.

### § 149.522 Lifeboats.

(a) Each lifeboat on a platform must be approved under 46 CFR 160.035 and have the equipment required by 46 CFR 94.20-10 for a lifeboat on lakes, bays, sounds, and rivers. Except for boathooks, the equipment must be securely attached to the lifeboat.

(b) Each life boat on a platform must be motor propelled and have an installed cover that provides protection from exposure and from fire during operation of the lifeboat.

### § 149.523 Inflatable life rafts.

Each inflatable life raft on a platform must be approved under 46 CFR 160.051 as an inflatable life raft intended for an ocean service vessel.

### § 149.524 Launching equipment for lifeboats.

(a) Each PPC must have the following launching equipment for each lifeboat required by § 149.521:

(1) A winch that is approved under 46 CFR 160.015 and that has a grooved drum with only one layer of wire.

(2) Mechanical disengaging apparatus that is approved under 46 CFR 160.033.

(3) Davits that are approved under 46 CFR 160.032.

(4) Load bearing components that meet the requirements in 46 CFR 94.33-5(a), (c), (d), and (e) and 46 CFR 94.33-10.

(b) If a lifeboat is mounted more than 30 feet above mean low water, the launching equipment for the lifeboat must be capable of operation from the lifeboat and from the PPC.

### § 149.525 Launching equipment for inflatable life rafts.

(a) Each PPC must have enough of the following inflatable life raft launching equipment to launch all of the life rafts required by § 149.521 within 20 minutes:

(1) Winches that are approved by the Commandant.

(2) Mechanical disengaging apparatus that is approved by the Commandant.

(3) Davits that are approved by the Commandant.

(4) Load bearing components that meet the requirements in 46 CFR 94.33-5(a), (c), (d), and (e) and 46 CFR 94.33-10.

(b) Launching equipment for an inflatable life raft must be capable of being operated from the life raft and from the PPC.

(c) No more than two rafts may be launched from each launching station.

### § 149.526 Type IV personal flotation devices (PFD's).

(a) Each PPC must have at least 8 Type IV PFD's and mounting racks.

(b) The PFD's and mounting racks required in paragraph (a) of this section must be distributed about the perimeter of the platform.

(c) Each Type IV PFD required by this section must be the 30-inch size approved under 46 CFR 160.009 or 160.050 and must be international orange in color.

(d) Fifty percent of the Type IV PFD's required by this section must have an electric water light approved under 46 CFR 161.010.

(e) At least one Type IV PFD on each side of each platform must have a buoyant line attached to the buoy that is 1½ times the distance from the buoy to the mean low water line of the platform or 15 fathoms in length, whichever is greater.

(f) Each Type IV PFD required by this section must be easily accessible to persons on board.

### § 149.527 Portable radio apparatus.

Each PPC must have portable radio apparatus that meets the requirements in 46 CFR 94.55-1.

### § 149.529 Type I personal flotation devices (PFD's).

(a) Each PPC must have enough adult Type I PFD's for 100 percent of the port personnel. Each PFD must be stowed in the living spaces.

(b) Enough additional Type I PFD's for 50 percent of the port personnel must be stowed near working spaces in well ventilated and accessible lockers marked "life preservers."

### § 149.533 Litters.

Each platform must be equipped with at least one Stokes litter that is placed in a location that is accessible to persons on board.

### § 149.535 Markings on lifeboats, life rafts, paddles, and oars.

(a) Each lifeboat, and life raft must be marked in letters and numbers at least 1½ inch high with:

(1) The identification of the deepwater port; and

(2) The personnel capacity.

(b) Each inflatable life raft must be marked as required under 46 CFR 160.051.

(c) Each paddle and each oar must be marked with the identification of the deepwater port.

### § 149.537 Markings for personal flotation devices (PFD's).

Each PFD must be marked with the identification of the deepwater port.

### MISCELLANEOUS

### § 149.539 Portable lights.

(a) Each portable light on a PPC must be listed by Underwriters' Laboratories, Inc., as suitable for Class I, Group D hazardous locations.

(b) Each supply cord of the portable lighting units must have receptacles with plugs, or receptacles with plugs interlocked with snap switches, that are listed by Underwriters' Laboratories, Inc., as suitable for Class I, Group D hazardous locations.

### § 149.541 General alarm system.

(a) Each PPC must have a general alarm system.

(b) Each general alarm system must be:

(1) Capable of being activated by the automatic fire detection systems required under § 149.491 and manually by use of alarm boxes located in accordance with the National Fire Protection Association Standard No. 72A;

(2) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter; and

(3) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light.

### § 149.543 Marking of general alarm system.

(a) Each general alarm box must be marked with the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual general alarm signalling device under § 149.541 must have a sign with the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

### § 149.545 Public address system.

Each PPC must have a public address system operable from two locations on the PPC to allow an announcement of fires, oil transfer system failure or malfunction, and other emergencies.

## Subpart E—Aids to Navigation at Deepwater Ports

### GENERAL

### § 149.701 Applicability.

This subpart prescribes the minimum requirements for aids to navigation at the marine site.

### § 149.703 Effective intensity: definition.

For the purpose of this subpart, "effective intensity" is the intensity of a flashing light calculated by using equation [3-27] for effective intensity in the Illumination Engineering Society Lighting Handbook, p. 3-36.

### § 149.705 Applicability of other regulations.

Sections 66.01-5, 66.01-25 (a) and (c), 66.01-50, and 66.01-55 of this chapter also apply to aids to navigation at a deepwater port. For the purpose of § 66.01-25 (a) and (c) of this chapter, aids to navigation at a deepwater port are Class I aids to navigation.

### § 149.707 Applications for aids to navigation.

(a) 180 days before the installation of any structure at the deepwater port site the licensee must submit applications for obstruction lights and such other private aids to navigation appropriate for the particular construction site.

(b) 180 days before the commencement of oil transfer operations or changing the mooring facilities at the deepwater port the licensee must submit applications for private aids to navigation.

(c) Applications for private aids to navigation for deepwater ports must be submitted in accordance with § 66.01-5 of this chapter except that the applications must be submitted to the Commandant (G-W).

## SPECIFICATIONS FOR LIGHTS

### § 149.721 Light source.

Each light must have a tungsten-incandescent light source.

### § 149.723 Intensity.

(a) Each light on a buoy, hose string, and SPM must:

(1) Have at least the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±1° from the focal plane of the light; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±2° from the focal plane of the light.

(b) Each light on a platform, including the rotating lighted beacon, must:

(1) Have at least the effective intensity required by this subpart at all angles within ±0.5° of the horizontal plane that includes the focal point of the lens; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at angles within ±1° of the horizontal plane that includes the focal point of the lens.

### § 149.724 Focus.

Each light using a lens must have a means to verify that the light source is at the focal point of the lens.

### § 149.725 Color.

The transparent cover of each light, including, where applicable, the top of the cover, must be uniform in color.

### § 149.727 Chromaticity.

The color emitted by a light at all angles, within the 50% effective intensity angle under § 149.723 must have chromaticity coordinates lying within the boundary defined by the corner coordinates in Table 149.727 when plotted on the International Commission on Illumination (CIE) Standard Observer Diagram.

TABLE 149.727—*Chromaticity coordinates*

| Color | Chromaticity coordinates | |
|---|---|---|
| | x axis | y axis |
| White | 0.285 | 0.332 |
| | .453 | .440 |
| | .500 | .440 |
| | .500 | .382 |
| | .440 | .382 |
| | .285 | .264 |
| Green | .009 | .720 |
| | .284 | .520 |
| | .207 | .397 |
| | .013 | .494 |
| Red | .665 | .335 |
| | .645 | .335 |
| | .680 | .300 |
| | .700 | .300 |
| Yellow | .560 | .440 |
| | .555 | .435 |
| | .612 | .382 |
| | .618 | .382 |

### § 149.729 Display of information.

(a) The following information must be displayed on each light:

(1) The manufacturer's name and date of manufacture.

(2) The model designation.

(3) The name of the manufacturer of the lamp to be used, and the manufacturer's ordering code for the lamp.

(4) The minimum voltage, measured at the input terminals of the lighting apparatus with the lamp burning, needed to operate the light in compliance with the intensity requirements of this subpart.

(b) The following information must be displayed on each rotating lighted beacon:

(1) The information prescribed in paragraph (a) of this section.

(2) The operating speed of the rotating apparatus.

(3) The type and level of electrical input required to maintain the operating speed.

## OBSTRUCTION LIGHTS

### § 149.751 Number and location on a platform and SPM.

(a) A platform that is 30 feet or less on any side, or in diameter, must have at least one obstruction light.

(b) An SPM must have at least one obstruction light.

(c) A platform that is more than 30 feet but less than 50 feet on any side, or in diameter, must have at least two obstruction lights that are installed as far apart from each other on the platform as possible.

(d) A platform that is more than 50 feet on any one side must have one obstruction light installed on each corner.

(e) A circular platform that has a diameter of more than 50 feet must have at least 4 obstruction lights that are installed as far apart from each other on the platform as possible.

(f) At least one of the obstruction lights on each platform and SPM must be visible from the water regardless of the angle of approach to the structure.

(g) If a platform or SPM has more than one obstruction light, the lights must all be installed in the same horizontal plane.

(h) Each obstruction light on a platform must be installed at least 20 feet above mean high water.

(i) Each obstruction light on an SPM must be installed at least 10 feet above the water.

### § 149.753 Number and location on a floating hose string.

A floating hose string must have omnidirectional obstruction lights that are:

(a) Installed at equally spaced intervals of not more than 70 feet along the length of the hose string, except that the two sections of hose furthest from the SPM need not have lights; and

(b) Installed all at the same height and at no less than 2 nor more than 5 feet above the surface of the water.

### § 149.755 Characteristics.

(a) Each obstruction light on a platform or SPM must:

(1) Be white; and

(2) Flash 50 to 70 times per minute.

(b) If a platform or SPM has more than one obstruction light, the lights must flash simultaneously.

(c) Each obstruction light on a hose string must:

(1) Be yellow; and

(2) Flash 50 to 70 times per minute.

### § 149.757 Intensity.

(a) Each obstruction light on a platform must have an effective intensity of at least 75 candela.

(b) Each obstruction light on an SPM must have an effective intensity of at least 15 candela.

(c) Each obstruction light on a hose string must have an effective intensity of at least 1 candela.

### § 149.759 Leveling.

Each obstruction light installed on a platform must have:

(a) Mounting hardware incorporating devices that facilitate horizontal leveling of the light; and

(b) A leveling indicator, or indicators, each with an accuracy of ±0.25 degrees, permanently attached to the light.

## BUOYS

### § 149.771 Number and location.

Each lateral boundary of a traffic lane at a deepwater port must be marked with buoys that are no more than 5 miles apart.

### § 149.773 Characteristics.

(a) Each buoy at a deepwater port must:

(1) Meet the requirements in § 62.25 of this chapter for buoys in United States waters; and

(2) Have:

(i) A radar reflector; and

(ii) A light installed at least 8 feet above the water.

(b) For each traffic lane, the buoy that is furthest from the safety zone must have a fog signal of a type described in Subpart 62.45 of Part 62 of this chapter.

### § 149.775 Intensity of lights.

(a) Each fixed light on a buoy must have an intensity of at least 75 candela.

(b) Each flashing light on a buoy must have an effective intensity of at least 75 candela.

## MISCELLANEOUS

### § 149.791 Identification of a platform and SPM.

(a) Each platform and SPM must display the name of the port, and the name or number or both identifying the structure, so that the information is visible:

(1) From the water at all angles of approach to the structure; and

(2) If the structure is equipped with a helicopter pad, from aircraft on approach to the structure.

(b) The information required in paragraph (a) of this section must be displayed in numbers and letters that are:

(1) At least 12 inches high;

(2) In vertical block style; and

(3) Displayed against a contrasting background.

### § 149.793 Markings for piles and pile clusters.

(a) Each pile and pile cluster that is within 100 yards of a platform or SPM must be marked with white reflective tape.

(b) Each pile and pile cluster that is more than 100 yards from a platform or SPM must meet the obstruction lighting requirements in this subpart for a platform.

### § 149.795 Radar beacon.

The tallest platform must have an FCC accepted radar beacon (RACON) that:

(a) When triggered, periodically sweeps the frequency band from 9320 to 9500 MHz, using a continuous sawtooth sweep, and a sweep rate not greater than 3 MHz per second;

(b) Transmits a signal of at least 250 milliwatts radiated power that is omnidirectional in the horizontal plane, is polarized at an angle of 45° to the horizontal plane, and is delayed from the incident radar signal by no more than 250 nanoseconds;

(c) Transmits a 2-element or 3-element Morse coded pulse signal, with the overall signal length adjustable to about 20 microseconds; and

(d) Is installed at a minimum height of 15 feet above the highest deck of the platform and where the structure of the platform, or equipment mounted thereon, does not obstruct the signal propagation in any direction.

### § 149.797 Rotating lighted beacon.

The tallest platform must have a rotating lighted beacon that:

(a) Has an effective intensity of at least 15,000 candela;

(b) Flashes at least once every 20 seconds;

(c) Has a white light;

(d) Is installed:

(1) At least 60 feet above mean high water;

(2) Where the structure of the platform, or equipment mounted thereon, does not obstruct the propagation of the light in any direction; and

(3) So as to be visible all around the horizon;

(e) Operates in wind up to 100 knots at a speed that is within 6% of the operating speed displayed on the beacon.

(f) [Reserved]

(g) Has a leveling indicator, or indicators, each with an accuracy of ±0.25

degrees, permanently attached to the light.

### § 149.799 Fog signal.

(a) Each PPC must have a Coast Guard approved fog signal that has a 2 mile range.

NOTE: A list of Coast Guard approved fog signals may be obtained from the Commandant (G-W).

(b) Each fog signal on a PPC must:

(1) Be installed at least 10 feet but not more than 150 feet above mean high water; and

(2) Be installed where the structure of the platform, or equipment mounted thereon, does not obstruct the propagation of sound in any direction.

# PART 150—OPERATIONS

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AUTHORITY: Secs. 10(a), 10(b), Pub. L. 93-627, 88 Stat. 2137-8 (33 U.S.C. 1509 (a), (b)); 49 CFR 1.46(s).

SOURCE: CGD 75-002, 40 FR 52572, Nov. 10, 1975, unless otherwise noted.

## Subpart A—General

### § 150.101 Applicability.

The rules in this part apply to the operation of each deepwater port.

### § 150.103 Licensee.

(a) No licensee of a deepwater port may cause or authorize operations contrary to the rules in this part.

(b) The licensee shall ensure that the port meets the equipment requirements in Part 149 of this chapter.

### § 150.105 Operations Manual: general.

(a) The licensee of a deepwater port may not operate the port unless the port has an Operations Manual that:

(1) Is prepared in accordance with the "Guidelines for Preparation of a Deepwater Port Operations Manual"; and

(2) Has been approved by the Commandant.

(b) For the purpose of this section, "approved" means only that the Operations Manual meets the requirements of the Act and the regulations in this subchapter.

NOTE: The "Guidelines for Preparation of a Deepwater Port Operations Manual" may be obtained from the Commandant (G-W).

### § 150.106 Operations Manual: copies.

The licensee shall furnish 25 copies of the approved Operations Manual and each subsequent amendment to Commandant (G-W).

NOTE: The Commandant will distribute copies of the approved Operations Manual and subsequent amendments within the Coast Guard and to the Governor of the adjacent coastal State connected directly by pipeline to the deepwater port.

### § 150.107 Operations Manual: amendment.

(a) The Captain of the Port may require the licensee to amend the Operations Manual if he finds that the Operations Manual does not comply with § 150.105.

(b) When the Captain of the Port determines that an amendment to an operations manual is necessary, he notifies the licensee in writing of a date not less than 14 days from the date of the notice, on or before which the licensee may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port notifies the licensee of any amendment required or he rescinds the notice. The amendment becomes effective not less than 30 days after the licensee receives the notice unless the licensee petitions the Commandant to reconsider the amendment, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the Captain of the Port.

(c) If the Captain of the Port finds a situation that requires immediate action to prevent the discharge or risk of discharge of oil or to protect the safety of life and property that makes the procedure in paragraphs (a) and (b) of this section impracticable or contrary to the public interest, he may issue an amendment effective, without stay, on the date the licensee receives notice of it. In such a case, the Captain of the Port includes a brief statement of the reasons for his finding in the notice, and the licensee may petition the District Commander, in any manner, to reconsider the amendment.

(d) Adjacent coastal States connected by pipeline to the deepwater port and licensees may petition the Captain of the Port to amend the Operations Manual. The Captain of the Port, when in receipt of a proposed amendment, will solicit comments on the proposed amendment. The petition and comment should include sufficient relevant information to enable the Captain of the Port to reach a decision to adopt or reject the proposed amendment. The Captain of the Port may approve amendments to the Operations Manual if he finds that the proposed alternative procedure, method, or equipment will ensure equivalent or improved protection, safety, or quality level and is in compliance with this subchapter.

### § 150.109 Compliance with Operations Manual.

Each licensee shall use and require his personnel to use the procedures in the Operations Manual.

### § 150.113 Deviations.

The Captain of the Port may authorize a deviation in writing upon request, if he finds that the proposed alternative procedure, method or equipment would ensure equivalent protection, safety, or quality level.

### § 150.115 Emergency deviations.

In an emergency, for the protection of life or property, or to avoid danger to the environment, any person may deviate from the Operations Manual or any requirement of deepwater port regulations. As soon as practicable, the person shall report the nature, extent, and duration of each deviation orally or in writing to the Captain of the Port.

### § 150.117 Notification to the District Commander.

(a) At least 30 days before construction of a pipeline, platform, or SPM at a deepwater port begins, the licensee shall give notice of construction in writing to the District Commander.

(b) On the date construction of a pipeline, platform or SPM at a deepwater port begins, the licensee shall give written notice to the District Commander within 24 hours of the lights and fog signals in use at the construction site.

(c) Whenever lights or fog signals are changed during construction of a pipeline, platform, or SPM at a deepwater port, the licensee shall give written notice of such change to the District Commander within 24 hours.

(d) When lights or fog signals used during construction of a platform, buoy, or SPM at a deepwater port are replaced with lights or fog signals required by Part 149 of this subchapter, the licensee shall give written notice of replacement to the District Commander within 24 hours.

(e) At least 60 days before the first oil transfer operation begins at a deepwater port, the licensee shall give written notice of the operation to the District Commander.

[CDG 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58143, Dec. 15, 1975]

### § 150.119 Notification to the Commandant.

The licensee shall give notice, in writing, to the Commandant upon receipt of the American Bureau of Shipping:

(a) "Interim Class Certificate"; and

(b) "Classification Certificate" for an SPM at a deepwater port.

### § 150.121 ABS classification.

(a) No licensee may operate an SPM unless he has an American Bureau of Shipping (ABS) "Interim Class Certificate" or a "Classification Certificate" for the SPM.

(b) A certificate must classify the SPM and attached hoses.

(c) The licensee shall maintain in class each SPM having a Classification Certificate.

### § 150.123 Weather monitoring.

The terminal supervisor shall continuously monitor the wind, wave, current, and visibility conditions at the port.

### § 150.125 Water depth measurements.

(a) The licensee shall measure water depth in the marine site if the Captain of the Port notifies the licensee that:

(1) A severe storm may have significantly altered water depths;

(2) Gradual natural or man-induced processes may have significantly altered water depths; or

(3) User experience indicates that charted water depths may no longer be accurate.

(b) The accuracy and adequacy of water depth measurements must be sufficient for nautical chart maintenance purposes.

### § 150.127 Environmental monitoring.

The licensee shall monitor the environment in accordance with the environmental monitoring program set forth in the approved Operations Manual for the port.

## Subpart B—Personnel

### § 150.201 Applicability.

This subpart prescribes personnel qualifications that apply to each deepwater port.

### § 150.203 General.

No person may serve and the licensee may not use the services of a person in the following capacities unless that person reads, writes and speaks English.

(a) Port Superintendent.

(b) Cargo Transfer Supervisor.

(c) Cargo Transfer Assistant.

(d) Vessel Traffic Supervisor.

(e) Mooring Master.

(f) Assistant Mooring Master.

### § 150.204 Definitions.

As used in this subpart:

(a) "License" means a Coast Guard license issued under 46 CFR Part 10; and

(b) "Licensee" means the licensee of a deepwater port.

### § 150.205 Port Superintendent.

No person may serve, and the licensee may not use the services of a person, as a Port Superintendent at a deepwater port unless—

(a) That person has enough experience at an oil transfer facility to enable the licensee to determine that that person is capable of managing the deepwater port;

(b) The licensee determines that that person knows:

(1) The hazards of each product to be transferred; and

(2) The port operating procedures described in the Operations Manual; and

(c) The licensee designates that person as Port Superintendent and advises the Captain of the Port in writing of that designation.

### § 150.207 Cargo Transfer Supervisor.

No person may serve, and the licensee may not use the services of a person, as a Cargo Transfer Supervisor at a dee water port unless:

(a) That person has enough experience in operating oil transfer equipment to enable the licensee to determine that that person is capable of operating the oil transfer equipment of the deepwater port;

(b) That person has:

(1) Had continuous employment for at least one year as supervisor at an oil transfer facility in charge of offloading tank vessels of 70,000 deadweight tons or larger;

(2) Supervised at least 25 cargo transfer evolutions from tankers of 70,000 deadweight tons or larger; or

(3) Served in a training capacity for Cargo Transfer Supervisor at a United States deepwater port for at least one year;

(c) The licensee determines that that person knows—

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the facility;

(3) The special handling characteristics of each product to be transferred; and

(4) The procedures described in the Operations Manual for:

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies;

(iv) Voice radiotelecommunications; and

(d) The licensee designates that person as Cargo Transfer Supervisor and advises the Captain of the Port in writing of that designation.

[CGD 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58143, 58144, Dec. 15, 1975]

### § 150.209 Vessel Traffic Supervisor.

No person may serve, and the licensee may not use the services of a person, as a Vessel Traffic Supervisor at a deepwater port unless—

(a) That person presents evidence of:

(1) Having performed for one year within the last five years in a capacity requiring radar plotting and analysis of vessel movement; or

(2) Satisfactory completion of a marine radar operators school acceptable to the Commandant;

(b) The licensee determines that that person knows:

(1) The procedures for utilizing the port's radar equipment; and

(2) The procedures described in the Operations Manual for:

(i) Vessel control; and

(ii) Voice radiotelecommunications; and

(c) The licensee designates that person as Vessel Traffic Supervisor and advises the Captain of the Port in writing of that designation.

### § 150.211 Mooring Master.

No person may serve, and the licensee may not use the services of a person, as a Mooring Master at a deepwater port unless:

(a) That person holds a current United States Coast Guard issued license as:

(1) Master of ocean steam or motor vessels of any gross tons, endorsed as radar observer, and has one year experience as:

(i) Master on tankers of 70,000 DWT or larger and satisfactory completion of a very large crude carrier (VLCC) shiphandling course acceptable to the Commandant; or

(ii) A Mooring Master at any deepwater port servicing tankers of 70,000 DWT or larger; or

(2) Master of ocean steam or motor vessels of limited tonnage, endorsed as radar observer, and endorsed as first-class pilot of vessels of any gross tons for at least one port in the area of the deepwater port, and has one year experience:

(i) Piloting ocean going vessels, including tankers of 70,000 DWT or larger; or

(ii) As assistant mooring master at the facility and satisfactory completion of a very large crude carrier (VLCC) shiphandling course acceptable to the Commandant;

(b) The licensee determines that the person knows the procedures described in the Operations Manual for:

(1) Vessel control;

(2) Vessel responsibilities;

(3) Spill prevention, containment, and cleanup;

(4) Accidents and emergencies; and

(5) Voice radiotelecommunications;

(c) The licensee designates that person as Mooring Master and advises the Captain of the Port, in writing, of the designation; and

(d) In addition to the foregoing requirements, after two years of operation of the facility, the licensee shall require new applicants for Mooring Master to have observed 20 mooring evolutions at that facility.

### § 150.213 Cargo Transfer Assistant.

No person may serve, and the licensee may not use the services of a person, as a Cargo Transfer Assistant at a deepwater port unless:

(a) That person presents evidence that he has one year experience, or performed 15 cargo transfer evolutions at an oil transfer facility servicing tankers of 70,000 deadweight tons or larger in a capacity involving connection and disconnection of the tankers to a single point mooring floating hose string;

(b) The licensee determines that that person knows—

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the port;

(3) The special handling characteristics of each product to be transferred;

(4) The procedures described in the Operations Manual for:

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies; and

(iv) Voice radiotelecommunications; and

(c) The licensee designates that person as Cargo Transfer Assistant and retains written evidence of that designation at the deepwater port.

### § 150.215 Assistant Mooring Master.

No person may serve, and the licensee may not use the services of a person, as an Assistant Mooring Master at a deepwater port unless:

(a) That person holds a current United States Coast Guard issued license as:

(1) Master of ocean steam or motor vessels of any gross tons, endorsed as radar observer, and has six months experience as master or chief mate on tankers of 70,000 DWT or larger; or

(2) Master of ocean steam or motor vessels of limited tons, endorsed as radar observer, and endorsed as first-class pilot of vessels of any gross tons for at least one port in the area of the deepwater port;

(b) The licensee determines that that person knows the procedures described in the Operations Manual for:

(1) Vessel control;

(2) Vessel responsibilities;

(3) Spill prevention, containment, and cleanup;

(4) Accidents and emergencies; and

(5) Voice radiotelecommunications; and

(c) The licensee designates that person as Assistant Mooring Master and advises the Captain of the Port, in writing, of the designation.

### § 150.217 Limitation on service.

No person may perform in more than one of the following capacities at any one time:

(a) Port Superintendent.

(b) Cargo Transfer Supervisor.

(c) Cargo Transfer Assistant.

(d) Vessel Traffic Supervisor.

(e) Mooring Master.

(f) Assistant Mooring Master.

## Subpart C—Vessel Navigation

### § 150.301 Applicability.

This subpart prescribes rules that apply to the navigation of all vessels in the safety zone, anchorage area, or traffic separation scheme at a deepwater port.

### § 150.303 Definitions.[1]

As used in this subpart—

"Other vessel" means a vessel other than tankers or support vessels as defined in this subpart.

"Separation zone or line" means a zone or line in the TSS located between two traffic lanes to keep tankers proceeding in opposite directions a safe distance apart.

"Support vessel" means a tug, line-handling boat, crewboat, workboat, supply vessel, bunkering vessel, barge, or other similar vessel working for the licensee in connection with the operation of the deepwater port or cleared by the licensee to service a tanker calling at the deepwater port.

"Tanker" means a vessel that enters a deepwater port to onload or offload oil at an SPM.

"Traffic lane" means an area of the TSS in which all tankers ordinarily proceed in the same direction.

### § 150.305 Traffic separation scheme (TSS).

No licensee may operate a deepwater port unless the port has a TSS that conforms to Part 1 of the recommendations of the Intergovernmental Maritime Consultative Organization contained in Annex I to IMCO Assembly Resolution A. 284 (VIII) of November 20, 1973.

Note: A copy of Annex I may be obtained from the Commandant.

### § 150.307 Radar surveillance.

The Vessel Traffic Supervisor shall maintain radar surveillance of the TSS, safety zone and anchorage area:

(a) Whenever a tanker is proceeding to a traffic lane after submitting the report required in § 150.335; and

(b) Whenever a tanker is in the TSS, safety zone, or anchorage area.

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[1] Section 3(16) of the Act provides that "safety zone" means the "safety zone established around a deepwater port as determined * * * in accordance with section 10(d) of the Act". Section 10(d) further provides that a safety zone is to be established within 30 days after notice of an application is published in the Federal Register for the purpose of navigational safety and is to be of an appropriate size that accomplishes this purpose. The Commandant designates the safety zone at each deepwater port.

### § 150.309 Advisories to tankers.

(a) The Vessel Traffic Supervisor shall advise the master of each tanker underway in the TSS, safety zone, or anchorage area of its position and track at 10 minute intervals.

(b) Whenever the Vessel Traffic Supervisor determines that a vessel may potentially interfere with the movement of a tanker in the TSS, safety zone, or anchorage area, he shall keep the master of the tanker informed of position and estimated track and speed of the vessel and shall update the information at times he considers necessary to assist the tanker in navigation of the TSS and safety zone.

(c) Whenever a tanker enters a traffic lane inbound to the safety zone or anchorage area, the Vessel Traffic Supervisor shall advise the tanker of the position of each other vessel moored, anchored, or underway in the TSS, safety zone, or anchorage area.

### § 150.311 Radio listening watch.

Whenever a tanker is in the TSS, safety zone, or anchorage area, the Vessel Traffic Supervisor and the master of the tanker shall each continuously monitor the radio frequency designated in the Operations Manual for use by tankers and support vessels underway at the port, except when transmitting on that frequency.

### § 150.313 Clearances for tankers.

(a) The Vessel Traffic Supervisor may not clear a tanker to enter a traffic lane unless:

(1) Each other tanker in the traffic lane is at least 5 miles from the entrance to the traffic lane; and

(2) A Mooring Master is on board or ready to board at a position in the traffic lane no closer than 5 miles to the entrance to the safety zone.

(b) The Vessel Traffic Supervisor may not clear a tanker to moor at an SPM unless:

(1) There is an SPM berth available and he has assigned that berth to the tanker;

(2) The visibility in the safety zone is at least two miles;

(3) All operating conditions prescribed in the Operations Manual for mooring to an SPM have been met; and

(4) A Mooring Master and an Assistant Mooring Master are on board.

(c) The Vessel Traffic Supervisor may not clear a tanker to depart an SPM unless the visibility is at least two miles and a Mooring Master is on board.

(d) No tanker may enter a traffic lane or moor at or depart from an SPM, unless the master of the tanker has obtained clearance from the Vessel Traffic Supervisor, except as permitted by paragraph (e) of this section.

(e) The master of a tanker may, in an emergency, for the protection of life or property, depart from an SPM without clearance from the Vessel Traffic Supervisor if the master advises the Vessel Traffic Supervisor of the circumstances, by radio, at the earliest possible moment.

### § 150.315 Clearances for support vessels.

(a) The Vessel Traffic Supervisor shall direct support vessel movements within the TSS and safety zone.

(b) The Vessel Traffic Supervisor may direct movements of support vessels rendezvousing with tankers contrary to the traffic separation scheme to facilitate operations with a tanker in a traffic lane.

(c) The Vessel Traffic Supervisor may clear support vessels to enter the safety zone or TSS at any point.

### § 150.317 Clearances for other vessels.

(a) When requested by the master of an other vessel, the Vessel Traffic Supervisor shall furnish information concerning tankers, support vessels, and all other vessels underway or moored in the safety zone, TSS, or anchorage area.

(b) If the Vessel Traffic Supervisor determines that an other vessel may be standing into danger with respect to any vessel or part of the deepwater port installation in the safety zone or TSS, he shall attempt to inform the master of that vessel by radio or other means.

(c) Except in situations involving force majeure, the Vessel Traffic Supervisor shall not clear other vessels to call at the deepwater port for any purpose that would interfere with the purpose of the deepwater port; endanger the safety of life, property, or the environment; or be otherwise prohibited by regulation.

### § 150.333 Advance notice of arrival.

(a) The master of a tanker bound for a deepwater port shall report the following information to the Captain of the Port and the Vessel Traffic Supervisor of the port at least 24 hours before entering the TSS, safety zone, or anchorage area at the port:

(1) The name, gross tonnage, and draft of the tanker.

(2) The type and amount of cargo on board.

(3) Any condition on the vessel that may impair its navigation, such as fire, defective propulsion machinery, defective steering equipment, or limitations on navigational or radio telephone capabilities because of equipment or material defects.

(4) Any leaks, structural damage, or machinery defects that may impair cargo transfer operations or cause a discharge of oil.

(b) If the information reported in paragraph (a)(3) or (a)(4) of this section changes at any time before entering the TSS, safety zone, or anchorage area, or while the tanker is in the TSS, safety zone, or anchorage area, the master of the tanker shall report the changes to the Captain of the Port and Vessel Traffic Supervisor as soon as possible.

### § 150.335 Report before entering inbound traffic lane.

The master of a tanker bound for a deepwater port shall notify the Vessel Traffic Supervisor of the port when the tanker is 20 miles from the entrance of an inbound traffic lane.

### § 150.337 Navigation of tankers in the TSS, safety zone and anchorage area.

(a) No tanker may enter a traffic lane except at the entrance to the lane.

(b) A tanker proceeding in a traffic lane shall keep the separation zone or line to port.

(c) No tanker may enter or depart a safety zone except via a traffic lane.

(d) No tanker may anchor in the TSS of safety zone, except in a designated anchorage area.

(e) A tanker in a traffic lane shall keep at least 5 miles behind any other tanker ahead of him in the traffic lane.

(f) No tanker may operate, anchor, or be moored in any area of the TSS, safety zone, or anchorage area in which the net under keel clearance of the tanker would be less than 5 feet.

### § 150.338 Navigation of support vessels in the TSS, safety zone and anchorage area.

(a) No support vessel may enter or move within the TSS, safety zone, or anchorage area unless the movement is cleared by the Vessel Traffic Supervisor.

(b) No support vessel may anchor in the TSS or safety zone, except in an anchorage area or for maintenance operations cleared by the Vessel Traffic Supervisor.

### § 150.339 Navigation of other vessels in the TSS, safety zone and anchorage area.

Other vessels may not call at a deepwater port unless clearance has been obtained from the Vessel Traffic Supervisor.

### § 150.341 Mooring Master.

No tanker may be underway in the safety zone, or in that part of the TSS that is within five miles of the safety zone, unless a Mooring Master is on board.

NOTE: The Mooring Master advises the vessel's master on operational and ship control matters that are peculiar to the specific deepwater port, such as navigational aids, depth and current characteristics of the maneuvering area, mooring equipment and procedures, and the port's vessel traffic control procedures.

### § 150.342 Assistant Mooring Master.

No tanker may moor at an SPM unless an Assistant Mooring Master is on board.

NOTE: The Assistant Mooring Master is stationed on the forecastle of the tanker during mooring operations to assist the Mooring Master by reporting position approach data relative to the SPM and to advise the tanker personnel in the handling of mooring equipment peculiar to the deepwater port.

## Subpart D—Oil Transfer Operations

### § 150.400 Applicability.

This subpart prescribes rules that apply to the transfer of oil at a deepwater port.

### § 150.403 Definitions.

As used in this subpart:

"Hose string", both floating and float/sink type, means that portion of an SPM-OTS consisting of flexible hose which connects the vessel's manifold to the SPM.

"OTS" means an oil transfer system of a deepwater port and includes the SPM-OTS and the undersea pipeline running from the PLEM to the onshore terminal.

"PLEM" means pipeline and manifold at the SPM.

"Single Point Mooring" (SPM) means an offshore berth which provides a link between the undersea pipeline and a moored vessel for the transfer of oil and to which the vessel can be secured and can weathervane during the oil transfer.

"SPM-OTS" means that portion of an OTS from the PLEM to the end of the hose string that connects to the manifold on the vessel.

### § 150.405 Periodic tests and inspections: OTS components.

No person may transfer oil through an OTS at a deepwater port unless:

(a) The SPM-OTS of the OTS has been tested and inspected as required for maintenance of class in accordance with the Rules for Building and Classing Single Point Moorings published by the American Bureau of Shipping;

(b) Each oil transfer hose in the SPM-OTS of the OTS in which the maximum pressure rating of the manufacturer has been exceeded, except when exceeded for testing required by this section, has, since the pressure was exceeded, been:

(1) Removed;

(2) Hydrostatically tested to 1.5 times its maximum working pressure; and

(3) Visually examined externally and internally for evidence of leakage, loose covers, kinks, bulges, soft spots, and gouges, cuts, or slashes that penetrate the hose reinforcement;

(c) Within the 23 months immediately preceding the month during which oil transfer operations are to be conducted, each submarine hose in the SPM-OTS of the OTS has been removed from the ends of each submarine coupling, surfaced, and visually examined externally and internally for evidence of flaws as described in paragraph (b)(3) of this section and hydrostatically tested to 1.5 times its maximum working pressure; and

(d) Each submarine hose in the SPM-OTS of that OTS has been visually examined in place for evidence of external flaws as described in paragraph (b)(3) of this section since the last time sea conditions at the deepwater port required shutdown of oil transfer operations.

### § 150.407 Periodic tests and inspections: discharge containment equipment.

No person may transfer oil at a deepwater port unless the discharge containment equipment required by Part 149 of this chapter is tested and inspected as follows:

(a) Within the five months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, a visual examination must have been performed to determine whether there existed any conditions that might impair the effectiveness of the equipment in performing its intended function. This visual examination must include the condition of such items as fabric and fabric coatings, seams and bonding points, metal hardware parts, shackles, fittings, towing and other lines, cables, flotation devices, inflation mechanisms, and any other components integral to the equipment.

(b) Within the 11 months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, representative pieces or sections of the containment equipment must:

(1) Have been deployed under simulated discharge conditions and the integrity of equipment strength mem-

bers, containment skirt, flotation devices, and any other design performance factors of the equipment tested; or

(2) Have been deployed under actual discharge conditions.

### § 150.409 Periodic tests and inspections: removal material and equipment.

No person may transfer oil at a deepwater port unless the removal material and equipment required by Part 149 of this chapter is tested and inspected as follows:

(a) Within the two months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, any machinery, pumps, hydraulic parts, and other operating features of removal equipment must have been visually examined and operated in accordance with the instructions of the manufacturer.

(b) Within the 11 months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, the removal equipment must have been tested in conjunction with the containment equipment deployment required by § 150.407(b).

### § 150.411 Repair or replacement of equipment.

(a) Whenever any component of a deepwater port that affects the safety or integrity of the oil transfer operation is found to be inoperative or otherwise defective, the licensee shall replace or repair the component before further oil transfer operations are undertaken using the affected OTS. The repaired or replaced component must meet or exceed the original specifications.

(b) Whenever an item of discharge containment and removal material or equipment required by § 149.319 of this chapter is found to be inoperative or otherwise defective, the licensee shall replace or repair the item before further oil transfer operations are undertaken. The repaired or replaced item must meet or exceed the original specifications.

### § 150.413 Requirements for oil transfer.

No person may transfer oil through an OTS unless:

(a) Before connecting the hose string to the vessel manifold at the start of each oil transfer operation, it is determined by in-place visual examination that the hose string in use for that transfer operation has no leakage, loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(b) During each oil transfer operation, it is determined by visual examination that the hose string in use for that transfer operation has no leakage;

(c) The vessel's mooring attachment to the SPM is strong enough to hold in all expected conditions of surge, current, and weather;

(d) Oil transfer hoses are long enough to allow the vessel to move to the limits of its mooring attachment to the SPM without placing strain on the hoses;

(e) Each oil transfer hose is supported in a manner that prevents strain on its coupling;

(f) Each part of the OTS necessary to allow the flow of oil is lined up for the transfer;

(g) Each part of the OTS not necessary for the transfer operation is securely blanked or shut off;

(h) Except when used to receive or discharge ballast, each overboard discharge or sea suction valve that is connected to the vessel's oil transfer, ballast, or cargo tank systems is sealed, lashed, or locked in the closed position;

(i) Each connection in the OTS meets the requirements of § 150.415;

(j) The discharge containment and removal material and equipment required by § 149.319 of this chapter is in place;

(k) Each scupper and overboard drain on the vessel is closed;

(l) Any continuing loss of oil from the coupling at the vessel manifold does not overflow the drip pan under the manifold;

(m) The communications equipment required by § 149.317 of this chapter is operative for the transfer operation;

(n) The emergency means of shutdown required by Part 149 of this chapter is in position and operative;

(o) The Cargo Transfer Supervisor, Cargo Transfer Assistant, and any other designated personnel are on duty and present to conduct the transfer operations in accordance with the Operations Manual and with the oil transfer procedures that apply to the vessel during the transfer operation;

(p) The vessel's officer in charge of cargo transfer and the Cargo Transfer Assistant have held a conference and each understands the following details of the transfer operations:

(1) The identity of the product to be transferred.

(2) The sequence of transfer operations.

(3) The transfer rate.

(4) The name or title and location of each person participating in the transfer operation.

(5) Particulars of the transferring and receiving systems.

(6) Critical stages of the transfer operation.

(7) Federal regulations that apply to the transfer of oil.

(8) Emergency procedures.

(9) Discharge containment procedures.

(10) Discharge reporting procedures.

(11) Watch or shift arrangement.

(12) Transfer shutdown procedures;

(q) The vessel's officer in charge of cargo transfer and the Cargo Transfer Assistant agree to begin the transfer operation;

(r) Flame screens are structurally sound and securely fastened in place in all cargo tank vents and ullage holes on the vessel; and

(s) The declaration of inspection required by § 150.417 is executed.

### § 150.415 Requirements for connections.

(a) The licensee shall provide suitable adaptors, to allow connection of the hose string to a vessel manifold, that meet any one of the following flange standards:

(1) American National Standards Institute (ANSI).

(2) British Standard (BS).

(3) German Standard (DIN).

(4) Japanese Industrial Standard (JIS).

(5) Universal Metric Standard.

(b) Each temporary connection between the hose string and a vessel manifold must:

(1) Be made using either:

(i) A bolted coupling; or

(ii) A quick-connect coupling approved under § 156.130(c)(2) of this chapter;

(2) Have suitable materials in joints and couplings to make a tight seal;

(3) If using an American National Standards Institute (ANSI) standard bolted flange coupling, have a bolt in at least every other hole of the coupling and in no case less than four bolts;

(4) If using a bolted coupling other than an ANSI standard bolted flange coupling, have a bolt in each hole of the coupling;

(5) Have bolts in each bolted coupling that are all:

(i) The same size;

(ii) Tightened so as to uniformly distribute the load around the coupling; and

(iii) Free of any signs of strain, elongation or deterioration; and

(6) Be made and broken in the presence of and under the direct supervision of the Cargo Transfer Assistant.

### § 150.417 Declaration of inspection.

(a) No person may transfer oil at a deepwater port unless a declaration of inspection has been executed before the start of each oil transfer operation by the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer.

(b) The declaration of inspection required by paragraph (a) of this section may be in any form but must contain:

(1) The name of the tanker and berth to which moored;

(2) The date the oil transfer operation will start;

(3) Certification by the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer that the requirements for oil transfer specified in § 150.413, and the pre-transfer procedures described in the Operations Manual, have been followed; and

(4) The signatures of the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer.

### § 150.419 Stopping transfer operations.

(a) Before stopping the flow of oil during an offloading operation at a deepwater port, the Cargo Transfer Supervisor shall advise the vessel's officer in charge of oil transfer of the intent to do so.

(b) Before stopping the flow of oil during an onloading operation at a deepwater port, the vessel's officer in charge of oil transfer shall advise the Cargo Transfer Supervisor of the intent to do so.

(c) Before disconnecting the hose string from the vessel manifold, the Cargo Transfer Assistant shall ensure that the shut-off valve described in § 149.307 of this chapter is secured in the closed position.

(d) Before returning the hose string to the water after disconnection, the Cargo Transfer Assistant shall ensure that the blank flange described in § 149.307 of this chapter is secured in place and has:

(1) Suitable material in the coupling to make a tight seal;

(2) A bolt in each hole of the coupling; and

(3) Bolts in the coupling that are all:

(i) The same size;

(ii) Tightened so as to uniformly distribute the load around the coupling; and

(iii) Free of any signs of strain, elongation, or deterioration.

### § 150.421 Displacement of oil in an SPM-OTS with water.

The Port Superintendent shall ensure that the oil in an SPM-OTS is displaced with water, and the valve at the PLEM closed, whenever:

(a) A storm warning has been received forecasting weather conditions that will exceed the design operating criteria listed in the Operations Manual for the SPM-OTS;

(b) A vessel is about to depart the SPM because of storm conditions; or

(c) The SPM is not scheduled for use in an oil transfer operation within the next 7 days.

### § 150.423 Limitations.

No person may transfer oil at a deepwater port:

(a) Unless a Port Superintendent is on duty at the port;

(b) During a severe electrical storm in the vicinity of the deepwater port;

(c) During a fire at the deepwater port, receiving terminal on shore, or aboard a vessel berthed at the deepwater port, unless it is determined by the Port Superintendent that an oil transfer should be resumed as a safety measure;

(d) Unless there are personnel and equipment at the port, not presently engaged in discharge containment and removal operations, sufficient to contain and remove the discharges specified in § 149.319(a);

(e) By lighterage, except in bunkering operations, unless otherwise authorized by the Captain of the Port; or

(f) Unless the weather conditions at the port meet the minimum operating conditions prescribed in the Operations Manual for transferring oil at the port.

### § 150.425 Suspension of oil transfer operations.

(a) The Captain of the Port may order the licensee to suspend oil transfer operations if the Captain of the Port finds that there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the safety of life and property.

(b) An order of suspension may be made effective immediately.

(c) The order of suspension states each condition requiring immediate action.

(d) The licensee may petition the District Commander, in writing or in any manner if the order of suspension is effective immediately, to reconsider the order of suspension. The decision of the District Commander is final agency action.

[CGD 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58144, Dec. 15, 1975]

## Subpart E—Operations

### § 150.500 Applicability.

The rules in this subpart apply to operations at a deepwater port.

### § 150.503 Maintenance of equipment.

(a) The licensee shall maintain each item of equipment required under this subchapter in operative condition or shall replace it with an item in good condition.

(b) The licensee shall maintain each excess item of equipment required under this subchapter in operative condition or shall remove it from service.

### § 150.504 Fire main system.

The licensee may use the fire main system only for firefighting and deckwashing.

### § 150.505 Fire pump.

The licensee shall keep at least one of the fire pumps required by this subchapter ready for use on the fire main system at all times.

### § 150.507 Firehose: connection and stowage.

(a) Except as otherwise provided in paragraph (c) of this section, the licensee shall keep at least one length of firehose with a combination nozzle connected to each fire hydrant at all times.

(b) The licensee shall stow each firehose connected to a fire hydrant on a hose rack when not in use.

(c) A firehose in an exposed location may temporarily be removed from an exposed location to protect the firehose from damage during heavy weather.

(d) If the edge of a platform deck is in an exposed location, the licensee shall keep enough lengths of fire hose connected to the hydrant nearest the edge to allow 10 feet of hose, when pressurized, to curve over the edge.

### § 150.508 Lifesaving equipment.

(a) The licensee shall stow each inflatable life raft required by § 149.521 of this subchapter as near as practicable to launching equipment for the life raft.

(b) The licensee shall test lifeboat launching equipment required by § 149.524 of this subchapter immediately after installation in accordance with 46 CFR 94.35-5.

### § 150.509 Use of personal protection equipment.

(a) When any person is in a work area, the licensee shall ensure that such person wears:

(1) Safety shoes that meet the specifications prescribed by the American National Standard Institute (ANSI) Requirements for Men's Safety-Toe Footware, Z41.1; and

(2) Protective hats that meet the specifications prescribed by the ANSI Safety Requirements for Industrial Head Protection, Z89.1.

(b) When an eye hazard from flying particles or heavy dust exists, the licensee shall ensure that each person in the area of the hazard is wearing eye protection equipment that meets the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1.

(c) When hazardous work is being performed, the licensee shall ensure that any person who wears corrective eye glasses wear eye protection equipment that can be worn over eye glasses, or prescription ground safety lenses that meet the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1, if these lenses provide protection against the hazard involved.

(d) When handling hazardous materials the licensee shall ensure that all personnel in the area are wearing suitable protective clothing and equipment.

(e) When any person is exposed to combinations of sound levels and durations exceeding those listed in Table 150.509(e) the licensee shall ensure that the person is wearing ear protection equipment that reduces sound levels to or below the listed levels.

(f) When any person is working over or near the water, the licensee shall ensure that the person wears either a unicellular plastic foam work vest that meets the requirements of 46 CFR 160.053 or a life preserver that meets the requirements of 46 CFR 160.002, 160.005, or 160.055.

TABLE 150.509 MAXIMUM PERMISSIBLE NOISE EXPOSURES[1]

| Duration per day/hours | Sound level[2] dBA slow response |
|---|---|
| 8 | 90 |
| 6 | 92 |
| 4 | 95 |
| 3 | 97 |
| 2 | 100 |
| 1½ | 102 |
| 1 | 105 |
| ½ | 110 |
| ¼ | 115 |

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect must be considered rather than the individual effect of each. If the sum of the fractions

$$\left(\frac{C_1}{T_1}+\frac{C_2}{T_2}+\cdots\frac{C_n}{T_n}\right)$$

is more than one, then, the mixed exposure exceeds the limit value. ($C_n$) is the total time of exposure at a specified noise level. ($T_n$) is the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

[2] Measured on the A scale of a standard sound level meter at slow response.

[CGD 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58144, Dec. 15, 1975]

### § 150.511 Maintenance of personal protection equipment.

(a) The licensee shall clean and disinfect eye protection equipment that has been used before it is reissued.

(b) The licensee shall clean and disinfect protective hats that have been worn before they are reissued.

### § 150.513 Sanitation.

The licensee shall ensure that garbage is covered and that no person is working in the vicinity of uncovered garbage or of overboard discharges from sanitary lines that are not protected by a baffle or splash boards.

### § 150.515 Refueling for aircraft.

If the PPC is not equipped with a permanent fueling facility for aircraft, no person may fuel or cause or authorize the fueling of aircraft unless he has received the permission of the Captain of the Port.

### § 150.516 Aircraft operations.

The licensee shall ensure that appropriately clothed and sufficiently qualified fire fighting and rescue personnel to man equipment and effect a rescue are present during aircraft operations.

### § 150.517 Station bill.

(a) The licensee shall post copies of a station bill on each PPC.

(b) The licensee shall designate in writing on the station bill, by title and in order of succession, each person on the PPC who is a person in charge of the PPC for purposes of supervision in an emergency.

(c) The station bill must set forth:

(1) The special duties and duty stations of each person, by name, on the PPC for each emergency listed in the Operations Manual that involves the use or application of equipment required by Part 149 of this chapter; and

(2) The signals for calling persons to their emergency stations and for abandoning the PPC.

### § 150.519 Emergency drills.

The licensee shall conduct each emergency drill specified in the Operations Manual at least once every 30 days.

### § 150.521 Housekeeping.

(a) The licensee shall keep walking and working areas clear of all loose hazards that could cause tripping or stumbling.

(b) The licensee shall store portable equipment when it is not in use.

(c) The licensee shall eliminate slippery conditions on the platform as soon as practicable.

(d) No person may suspend a portable light by its cord unless the means of attachment of the cord to the light prevents the light from being suspended by the electrical connections.

(e) The licensee shall keep each area near a lifeboat, inflatable life raft, or means of escape described in §§ 149.421 and 149.423 of this chapter clear of obstructions that would interfere with immediate use of the lifeboat, life raft, or means of escape.

### § 150.523 Illumination.

(a) The licensee shall illuminate each walking and working area.

(b) No person may enter any dark place that does not have installed illumination unless he has a flashlight or other suitable portable light.

(c) No person may use matches or open flame lights as illumination.

### § 150.525 Emergency Medical Technician.

The licensee shall ensure that at least one person who holds a certificate of completion of the Department of Transportation, National Highway Traffic Safety Administration Basic Training Course (81 hours), from a state or from the National Registry of Emergency Medical Technicians, is on the PPC at all times.

### § 150.527 First aid station.

(a) The licensee shall ensure each first aid station on a PPC has enough medical supplies and equipment for the Emergency Medical Technician to provide emergency medical care.

(b) The first aid station may not be used for any purpose that prevents its immediate use as a first aid station.

## Subpart F—Aids to Navigation at Deepwater Ports

### § 150.601 Applicability.

The rules in this subpart apply to the operation of aids to navigation at a deepwater port.

### § 150.603 Applicability of other regulations.

Section 66.01-20 of this chapter also applies to aids to navigation at a deepwater port.

### § 150.605 Aids to navigation: power supply.

The licensee shall maintain:

(a) Voltage at every operating lamp of each light at or above the operating voltage listed on the light; and

(b) The input power to the fog signal at or above the minimum input power listed on the fog signal.

### § 150.607 Lights.

(a) The licensee shall display each light required in Part 149 of this subchapter between sunset and sunrise local time.

(b) During construction of a platform or SPM, the licensee shall mark the structure with at least one of the following:

(1) The obstruction lights required in Part 149 of this chapter for the structure.

(2) The fixed lights of a vessel attending the structure.

(3) General illumination lights on the structure that meet or exceed the intensity requirements for the obstruction lights required in Part 149 of this subchapter for the structure.

(c) The licensee shall ensure that each light using a lens is operated with the light source at the focal point of the lens as determined by the means required in § 149.724 of this subchapter.

(d) The licensee shall ensure that the focal plane of each platform obstruction light when operated, and of the rotating lighted beacon when operated, is always coincident with the horizontal plane passing through the light source.

### § 150.611 Fog signals.

(a) The licensee shall operate the fog signal on each PPC whenever the visibility in any horizontal direction from the structure is less than 5 miles.

(b) During construction of a platform, compliance with paragraph (a) of this section is not required if the PPC is attended by a vessel moored alongside the platform and the vessel sounds a 2 second whistle blast every 20 seconds whenever the visibility in any horizontal direction from the vessel is less than 5 miles.

## Subpart G—Reports and Records

### § 150.701 Applicability.

This subpart prescribes reports to be submitted by the licensee and records and other information to be maintained by the licensee.

## REPORTS

### § 150.703 Maintenance of ABS classification.

Whenever the licensee submits a report to the American Bureau of Shipping (ABS) that is required for maintenance of SPM class in accordance with ABS Rules for Building and Classing Single Point Moorings, he shall submit a copy of the report to the Commandant, U.S. Coast Guard.

### § 150.705 Aid to navigation discrepancy.

The licensee shall report promptly to the District Commander, by the fastest means of communications available, any discrepancy affecting the proper operation or characteristics of any aid to navigation at the deepwater port, whenever a discrepancy exists. Correction of the discrepancy shall also be reported promptly. The initial discrepancy report must include:

(a) Name or designation of aid;

(b) Location of aid;

(c) Nature of discrepancy; and

(d) Estimated time of correction.

### § 150.707 Oil throughput; payment to Deepwater Port Liability Fund.

(a) The licensee shall report to the District Commander, on a quarterly basis, beginning the first day of the calendar quarter immediately following the commencement of oil transfer operations, the oil cargo throughput of the deepwater port. The report must contain the following information:

(1) The oil cargo throughout during the previous calendar quarter measured in barrels.

(2) Calculated payment to the Deepwater Port Liability Fund as required by section 18(f)(3) of the Act.

(b) The payment must be enclosed unless the District Commander advises the licensee that collections have been suspended.

### § 150.709 Discharge of oil.

(a) The licensee, for purpose of notification of a discharge of oil required by section 18(b) of the Act, shall immediately report a discharge by telephone, radio telecommunications, or similar rapid means of communication to one of the following listed in order of priority:

(1) Duty officer, National Response Center, U.S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590, toll free telephone number 800-424-8802.

(2) The government official predesignated in the applicable Regional Contingency Plan as the On-Scene Coordinator for the geographic area in which the discharge occurs.

NOTE: Regional Contingency Plans are available at Coast Guard District Offices and Environmental Protection Agency (EPA) Regional Offices, as listed in 33 CFR Part 153.

(3) Commanding Officer or Officer-in-Charge of any Coast Guard unit in the vicinity of the discharge.

(4) Commander of the Coast Guard District in which the discharge occurs.

(b) In addition to the notice required by paragraph (a) of this section, the licensee shall immediately notify the Governor of the adjacent coastal State directly connected by pipeline to the deepwater port.

### § 150.711 Casualty or accident.

(a) The licensee shall submit to the Officer-in-Charge, Marine Inspection, a report of casualty or accident whenever any of the following occur:

(1) Any component of the deepwater port is hit by a vessel and damage to property is in excess of $1,500.

(2) Damage to the deepwater port in excess of $25,000.

(3) Material damage affecting the usefulness of lifesaving or fire fighting equipment.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for more than 72 hours, arising from or directly connected with the use or employment of any emergency equipment described in Part 149 of this chapter.

(b) The deepwater port casualty or accident report, written in narrative form, must contain the following information:

(1) Name, number, or other designation of the deepwater port.

(2) Names and addresses of the owner, his agent, operator and the person in charge.

(3) Nature and probable cause of the casualty or accident.

(4) Date and time the casualty or accident occurred, if known, otherwise approximately when it occurred.

(5) Details of damage, especially with respect to lifesaving and fire fighting equipment.

(6) Nature and extent of injury to any person.

(7) Names and addresses of persons involved.

(8) Other comments, especially with respect to use or need for emergency equipment.

(c) In the investigations of casualties and accidents occurring at deepwater ports, the procedures in 46 CFR Part 4 for marine casualties apply.

### § 150.713 Sabotage or subersive activity.

The licensee shall report to the Captain of the Port any evidence of sabotage or subversive activity involving or endangering any vessel at the deepwater port, or the deepwater port, immediately, by the fastest possible means of communication upon discovery. Written confirmation must follow.

## RECORDS

### § 150.751 General.

(a) The licensee shall maintain copies of all reports, records, test and inspection results, and operating data required by these rules in a manner suitable for Coast Guard inspection at the deepwater port or an adjacent onshore facility.

(b) Except as specified in §§ 150.753—150.759, these copies must be maintained for three years.

### § 150.753 Key personnel: designations and qualifications.

The licensee shall retain documentation of the designation and qualifications of key port personnel for the duration of each individual's employment at the port. The documentation must include:

(a) Designations required by §§ 150.205-150.215; and

(b) Qualifications of personnel required by §§ 150.205-150.215.

### § 150.755 Port inspection records.

(a) The licensee shall maintain a record of all machinery, both fixed and portable, such as generators, cargo pumps, fire pumps, and discharge containment and removal systems. This record must contain, for each piece of machinery:

(1) Nameplate and general descriptive data;

(2) Serial number;

(3) Location and purpose; and

(4) Record of tests and inspections.

(b) The licensee shall maintain a record of all fire fighting, lifesaving, and other emergency equipment, such as fire hoses, nozzles, applicators, fire extinguishers, life rafts, life preservers, and alarm systems. This record must contain, for each piece of emergency equipment:

(1) Nameplate and general descriptive data;

(2) Serial number;

(3) Location and purpose; and

(4) Record of tests and inspections.

(c) The licensee shall retain for one year a record of each monthly emergency drill required by § 150.519. The record must contain the date, time, and signature of the person in charge at the time of the drill.

(d) The licensee shall retain for three years a record of each test and inspection performed by port personnel. The record must contain the date and results of the test or inspection and the signature of the person conducting the test or inspection. These tests and inspections include, but are not limited to, those required in §§ 150.405-150.409 for oil transfer systems, discharge containment equipment, and discharge removal material and equipment, and those required for maintenance of ABS Classification, as specified in the "Rules for Building and Classing of Single Point Moorings," published by the American Bureau of Shipping.

### § 150.757 Oil throughput log.

The licensee shall maintain an oil throughput log, from which the report of oil throughput required by § 150.707 is prepared. Records in this log must be retained for three years, and must specify for each oil transfer operation:

(a) Vessel name, nationality, owner, and date of arrival;

(b) Country of origin of crude oil; and

(c) Total quantity in barrels of oil transferred.

**§ 150.759 Declaration of inspection.**

The licensee shall retain signed copies of the declaration of inspection forms required by § 150.417 for one month from date of signature.

# SUBCHAPTER O—POLLUTION

## PART 151—OIL POLLUTION REGULATIONS

Sec.
151.01 Purpose.
151.05 Vessels subject to regulations.
151.10 Definitions.
151.15 Oil Pollution Act of 1924, as amended.
151.20 Inspections and enforcement.
151.25 Boarding foreign vessels.
151.30 Prohibited zones.
151.35 Oil Record Book.
151.40 Penalties for violations.

INTERPRETATIVE RULES

151.50 Annex C of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended.
151.53 Seagoing tank barge tank arrangement and tank size limitations.

AUTHORITY: Secs. 9-12, 75 Stat. 404, as amended, sec. 6(g)(5), 80 Stat. 941; 33 U.S.C. 1008-1011, 49 U.S.C. 1655(g)(5); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3)(vii), unless otherwise noted.

SOURCE: CGFR 67-67, 32 FR 14390, Oct. 18, 1967, unless otherwise noted.

### § 151.01 Purpose.

(a) The purpose of this part is to implement the Oil Pollution Act, 1961, as amended (33 U.S.C. 1001-1015), relating to the Oil Record Book required to be maintained under specified conditions, and the publication of descriptions of prohibited zones, as well as the enforcement of the requirements regarding prevention of pollution of the sea by oil.

(b) The Oil Pollution Act, 1961, as amended (33 U.S.C. 1001-1015), implements the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended. By section 17 of such Act (33 U.S.C. 1015) it is stated that: "Any reference in any other law or rule or regulation prescribed pursuant to law to the 'International Convention for the Prevention of the Pollution of the Sea by Oil, 1954,' shall be deemed to be a reference to that Convention as revised by the 'Amendments of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954,' which were adopted by a Conference of Contracting Governments convened at London on April 11, 1962." This amended Convention became effective on May 18, 1967.

### § 151.05 Vessels subject to regulations.

(a) Subject to the exceptions provided in paragraph (b) of this section, the regulations in this part apply to any seagoing vessel of any type whatsoever of American registry or nationality, including floating craft, whether self-propelled or towed by another vessel making a sea voyage. This includes a "tanker" which is a type of ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(b) The following categories of vessels are excepted from all provisions of the regulations in this part:

(1) Tankers of under 150 gross tons, and other ships of under 500 gross tons.

(2) Ships for the time being engaged in the whaling industry when actually employed on whaling operations.

(3) Ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert lock at Montreal in the Province of Quebec, Canada.

(4) Naval ships and ships for the time being used as naval auxiliaries.

(c) Foreign vessels to which the convention applies, while in the territorial waters of the United States, may be boarded, examined and required to produce records as provided in section 11, of the Oil Pollution Act of 1961, as amended (33 U.S.C. 1010).

### § 151.10 Definitions.

(a) The terms defined in section 2 of the Act of August 2, 1961, as amended (33 U.S.C. 1001), shall have the same meaning when used in the regulations in this part, except as follows:

(1) The term "prohibited zones" means the zones described in 33 U.S.C. 1011 and § 151.30.

(2) The term "Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(b) For convenience the following definitions are copied from 33 U.S.C. 1001:

(1) The term "convention" means the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended.

(2) The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958.

(c) The term "Commandant" means Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20593.

### § 151.15 Oil Pollution Act of 1924, as amended.

(a) Nothing in the regulations of this Part or in the Oil Pollution Act, 1961, as amended (33 U.S.C. 1001-1015), will be construed to change or modify the provisions of the Oil Pollution Act of 1924, as amended (secs. 1-8, 43 Stat. 605, 606, as amended; 33 U.S.C. 431-437).

### § 151.20 Inspections and enforcement.

(a) The Commandant hereby designates employees of the Corps of Engineers employed on river and harbor works, employees of any Corps of Engineers Harbor Supervisor, employees of the Bureau of Customs, and Commissioned, Warrant and Petty Officers of the U.S. Coast Guard to board vessels, to make inspections and require production of records, as required under the Oil Pollution Act of 1961, as amended (33 U.S.C. 1001-1015), and the regulations of this part.

(b) In enforcing the Oil Pollution Act of 1961, as amended, the officers and agents of the United States, designated in paragraph (a) of this section, shall have the power and authority and it shall be their duty to swear out, process and to arrest and take into custody with or without process any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of said section the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

### § 151.25 Boarding foreign vessels.

(a) Representatives of the Secretary of Transportation, the Bureau of Customs, and the U.S. Coast Guard may go on board, examine and require the production of records maintained on any foreign ship to which the convention applies while the ship is within the territorial jurisdiction of the United States as authorized by the Oil Pollution Act of 1961, as amended (33 U.S.C. 1010), and the regulations of this part.

### § 151.30 Prohibited zones.

(a) All sea areas within 50 miles from the nearest land shall be prohibited zones.

(b) The following sea areas, insofar as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

(1) *Pacific Ocean—Canadian Western Zone.* The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

(2) *North Atlantic Ocean, North Sea, and Baltic Sea*—(i) *North-West Atlantic Zone.* The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38°47′ N., longitude 73°43′ W., to latitude 39°58′ N., longitude 68°34′ W.; thence to latitude 42°05′ N., longitude 64°37′ W.; thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *Icelandic Zone.* The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *Norwegian, North Sea, and Baltic Sea Zone.* The Norwegian,

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North Sea, and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway, and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *North-East Atlantic Zone.* The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

*Latitude* 62° N. 64° N. 64° N. 60° N. 54°30′ N. 53° N. 44°20′ N. 44°20′ N. 46° N.
*Longitude* 2° E.; 00°; 10° W.; 14° W.; 30° w.; 40° W.; 40° W.; 30° W.; 20° W.;

thence towards Cape Finisterre at the intersection of the 50-mile limit.

(v) *Spanish Zone.* The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain.

(vi) *Portuguese Zone.* The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Portugal.

(3) *Mediterranean and Adriatic Seas—Mediterranean and Adriatic Zone.* The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land bordering the Mediterranean and Adriatic Seas along the coasts of Algeria, Arab Republic of Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Maltese Islands, Morocco, Spain, and Syria.

(4) *Black Sea and Sea of Azov.* The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land bordering the Black Sea and Sea of Azov along the coast of the Union of Soviet Socialist Republics.

(5) *Red Sea—Red Sea Zone.* The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of the United Arab Republic, Saudi Arabia, and Yemen.

(6) *Persian Gulf—*(i) *Kuwait Zone.* The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *Saudi Arabian Zone.* The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia.

(7) *Arabian Sea, Bay of Bengal, and Indian Ocean—Malagasy Zone.* The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians.

(8) *Australia—Australian Zone.* The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° S. latitude.

[CGFR 67-67, 32 FR 14390, Oct. 18, 1967, as amended by CGD 72-82R, 37 FR 16070, May 26, 1972; 37 FR 14302, June 19, 1972]

### § 151.35 Oil Record Book.

(a) An Oil Record Book printed by the U.S. Government is available without charge to the masters or operators of all vessels subject to the Oil Pollution Act of 1961, as amended (33 U.S.C. 1001-1015), through U.S. Coast Guard Marine Inspection Offices.

(b) The ownership of the Oil Record Book shall remain in the U.S. Government.

(c) If an operations listed in this paragraph occurs, the Oil Record Book must be completed in accordance with the requirements contained in paragraph (e) of this section.

(1) The following operation on a tanker must be recorded on a tank-to-tank basis:

(i) Loading of oil cargo.

(ii) Internal transfer of oil cargo during a voyage.

(iii) Opening or closing before and after loading and unloading operations of valves or similar devices that interconnect cargo tanks.

(iv) Opening or closing of means of communication between cargo piping and seawater ballast piping.

(v) Opening or closing of valves at hose connection points at ends of cargo transfer manifolds before, during, and after loading and unloading operations.

(vi) Unloading of oil cargo.

(vii) Ballasting of cargo tanks.

(viii) Cleaning of cargo tanks.

(ix) Discharge of ballast except from segregated ballast tanks.

(x) Discharge of water from slop tanks.

(xi) Disposal of residues.

(xii) Discharge overboard in port or at sea of bilge water accumulated in machinery spaces.

(2) The following operations on a ship other than a tanker must be recorded on a tank-to-tank basis:

(i) Ballasting, or cleaning during voyage, of bunker fuel tanks.

(ii) Disposal of oily residues from bunker fuel tanks or other sources

(d) On each occasion a descriptive statement shall be entered in the Oil Record Book of the circumstances of, and reasons for:

(1) The discharge of oil or oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving of life at sea; or,

(2) The escape of oil or an oily mixture resulting from—

(i) Damage to the ship;

(ii) Unavoidable leakage; or

(iii) Any accident or other exceptional circumstance.

(3) The discharge of residue arising from the purification or clarification of fuel oil or lubricating oil; or,

(4) The discharge of oil or oily mixture from a ship of 20,000 gross tons or over for which the building contract is placed on or after May 18, 1967, including a tanker.

(e) Each entry in the Oil Record Book shall be made and dated on the day when such actions occur. When any action or operation extends over a period of more than one day, the date of entry shall not be later than the date on which the action or operation is completed. Each page of the Book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship.

(f) The master of every vessel required to keep the Oil Record Book shall be responsible for the maintenance of such record and its delivery as required by this section.

(g) Upon completion of a foreign voyage the Oil Record Book shall be delivered to the U.S. Coast Guard Marine Inspection Office in the port where the voyage is terminated.

(h) The Oil Record Book maintained on a vessel when not engaged on a foreign voyage shall be submitted during the months of April and October with entries for the preceding 6 months to the Commander, 3d Coast Guard District (m), New York, if the homeport is located on the east or gulf coast; or to the Commander, 12th Coast Guard District (m), San Francisco, if the homeport of the vessel is located on the west coast.

(R.S. 4417a, (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46(d)(4) (40 CFR 3906))

[CGFR 67-67, 32 FR 14390, Oct. 18, 1967, as amended by CGD 71-160R, 37 FR 28253, Dec. 21, 1972; CGD 74-32, 40 FR 48283, Oct. 14, 1975]

## § 151.40 Penalties for violations.

(a) The provisions of subsection 9(f) of the Oil Pollution Act of 1961, as amended (33 U.S.C. 1008), read as follows:

> If any person fails to comply with the requirements imposed by or under this section, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 and if any person makes an entry in any records kept in accordance with this Act or regulations prescribed thereunder by the Secretary which is to his knowledge false or misleading in any material particular, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 or imprisonment for a term not exceeding 6 months, or both.

## INTERPRETATIVE RULES

## § 151.50 Annex C of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended.

Section 6 of the Oil Pollution Act, 1961, as amended (33 U.S.C. 1001-

1015) states that every tanker to which the Act applies and built in the United States and for which the building contract is placed on or after the effective date of section 6 shall be constructed in accordance with Annex C of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, relating to tank arrangement and limitation of tank size. Annex C of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, reads as follows:

REQUIREMENTS RELATING TO TANK ARRANGEMENTS AND TO THE LIMITATION OF TANK SIZE

1. *Assumed extent of damage.* In the following paragraphs three dimensions of the extent of damage of a parallelepiped due to both collision and stranding are assumed. In the case of stranding, two conditions are set forth to be applied individually to the stated portions of the ship. These values represent the maximum assumed damage in such accidents and are to be used to determine by trial at all conceivable locations the worst combination of compartments which would be breached by such an accident.

1.1 *Collision.*

| | |
|---|---|
| Longitudinal extent ($l_c$) | $1/3L^{2/3}$ or 14.5 meters whichever is less |
| Transverse extent ($t_c$) inboard from the ship's side at right angles to the centreline at the level of the load line | B/5 or 11.5 meters whichever is less |
| Vertical extent ($v_c$) | From the base line upward without limit |

1.2 *Stranding.*

| | For 0.3L from the forward perpendicular of the ship | Any other part of the ship |
|---|---|---|
| Longitudinal extent ($l_s$) | L/10 | 5 meters |
| Transverse extent ($t_s$) | B/6 or 10.0 meters whichever is less | 5 meters |
| Vertical extent ($v_s$) from the base line | B/15 or 6 meters whichever is less, for any part of the ship | |

Where: L, B in meters and perpendicular are as defined in regulation 3 of the International Convention on Load Lines, 1966.

2. *Hypothetical oil outflow from tanks assumed to be breached as a result of the accident.* The hypothetical oil outflow in the case of collision ($O_c$) and stranding ($O_s$) shall be calculated by the following formulae with respect to compartments breached by each assumed location of damage as defined in Section 1.

2.1 *Collision.*

$$O_c = \Sigma W_i + \Sigma K_i C_i \qquad (1)$$

2.2 *Stranding*

$$O_s = \frac{1}{3}(\Sigma Z_i W_i + \Sigma Z_i C_i) \qquad (2)$$

where:

$W_i$ Volume of a wing tank in cubic metres breached by the damage assumed in Section 1; $W_i$ for a clean ballast tank may be taken equal to zero.

$C_i$ Volume of a centre tank in cubic metres breached by the damage assumed in Section 1; $C_i$ for a clean ballast tank may be taken equal to zero.

$$K_i = 1 - \frac{b_i}{t_c};$$

When $b_i$ is equal to or greater than $t_c$, $K_i$ shall be taken equal to zero.

$$Z_i = 1 - \frac{h_i}{v_s};$$

When $h_i$ is equal to or greater than $v_s$, $Z_i$ shall be taken equal to zero.

$b_i$ Width of wing tank in metres under consideration.

$h_i$ Minimum depth of the double bottom in metres under consideration; where no double bottom is fitted, $h_i$ shall be taken equal to zero.

Wing tank Any tank adjacent to the side shell plating.

Centre tank Any tank inboard a longitudinal bulkhead.

2.3 *Special requirements.*

2.3.1 If a void space or clean water ballast tank of a length less than $l_c$ as defined in 1.1 is located between wing oil tanks, $O_c$ in formula (1) may be calculated on the basis of volume $W_i$ being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity) adjacent to such space, multiplied by $S_i$ as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - \frac{l_i}{L_o}$$

where:

$l_i$ = Length in metres of void space or clean ballast tank under consideration.

2.3.2(a) Credit shall only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(b) Where the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered non-existent and the volume of the tanks above the area of the stranding damage shall be included in formula (2) even if the tank is not considered breached because of the installation of such a partial double bottom.

2.3.2(c) Suction wells may be neglected in the determination of the value $h_s$ provided such wells are not excessive in area and extended below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, $h_s$ shall be taken equal to the double bottom height minus the well height.

Piping serving such wells if installed within the double bottom shall be fitted with valves or other closing arrangements located at the point of connection to the tank served to prevent oil outflow in the event of damage of the piping during stranding. Such piping shall be installed as high from the bottom shell as possible.

2.3.3 In the case where stranding damage simultaneously involves four centre tanks, the value of $O_s$ may be calculated according to the formula

$$O_s = \frac{1}{4}(\Sigma Z_i W_i + \Sigma Z_i C_i) \qquad (3)$$

2.3.4 An Administration may credit as reducing oil outflow in case of stranding, an installed cargo transfer system having an emergency high suction in each cargo oil tank, capable of transferring from a breached tank or tanks to segregated ballast tanks or to available cargo tankage if it can be assured that such tanks will have sufficient ullage. Credit for such a system would be governed by ability to transfer in two hours of operation, oil equal to one half of the largest of the breached tanks involved and by availability of equivalent receiving capacity in ballast or cargo tanks. The credit shall be confined to permitting calculation of $O_s$ according to formula (3). The pipes for such suctions shall be installed at least at a height not less than the vertical extent of the stranding damage $V_s$.

The Administration shall supply the Organization with the information concerning the arrangements accepted by it, for circulation to other governments.

3. *Limitations of size of cargo oil tanks.*

3.1 *Limitation of hypothetical oil outflow.* The hypothetical oil outflow $O_c$ or $O_s$ calculated in accordance with the formulae in Section 2 shall not exceed 30,000 cubic metres or $400\sqrt[3]{DW}$, whichever is the greater but subject to a maximum of 40,000 cubic metres where: DW = deadweight of the ship in metric tons.

3.2 *Limitation of volume of single tank.* The volume of a wing tank shall not exceed seventy-five per cent of the limits of hypothetical oil outflow referred to in 3.1. The volume of a centre tank shall not exceed 50,000 cubic metres.

3.3 *Limitation of tank length.* The length of each tank shall not exceed 10 metres or one of the following values, whichever is the greater:

(a) Where no longitudinal bulkhead is provided 0.1*L*

(b) Where a longitudinal bulkhead is provided at the centreline only: 0.15*L*

(c) Where two or more longitudinal bulkheads are provided:

(i) For wing tanks: 0.2*L*

(ii) For centre tanks:

(1) If $b_i/B$ is equal to or greater than $\frac{1}{5}$: 0.2*L*

(2) If $b_i/B$ is less than $\frac{1}{5}$:

Where no centreline longitudinal bulkhead is provided:

$$\left(0.5\frac{b_i}{B}+0.1\right)L$$

Where a centreline longitudinal bulkhead is provided:

$$\left(0.25\frac{b_i}{B}+0.15\right)L$$

(Sec. 11, 75 Stat. 404, as amended (33 U.S.C. 1009); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(c)(7))

[CGD 74-163, 39 FR 30125, Aug. 21, 1974; 39 FR 31901, Sept. 3, 1974]

### § 151.53 Seagoing tank barge tank arrangement and tank size limitations.

(a) *Purpose.* The purpose of this section is to interpret paragraph 3.3 of Annex C of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, to allow a U.S. tank barge to be constructed with essentially the same bulkhead spacing as a tankship of comparable cargo capacity.

(b) *Applicability.* This section applies to a seagoing U.S. tank barge of 150 meters or less in length subject to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended, for which a building contract is placed after January 1, 1972, or in cases where no building contract has previously been placed, the keel is laid or the tank barge is at a similar stage of construction after June 30, 1972.

(c) *Interpretative adjusted cargo tank lengths.* The length of a tank in a tank barge to which this section applies must be designed either in compliance with paragraph 3.3 of Annex C set forth in § 151.50, or in compliance with one of the following values or less:

(1) If no longitudinal bulkhead is to be installed, .13$L$.

(2) If a longitudinal bulkhead is to be installed at the centerline only, .2$L$.

(3) If two or more longitudinal bulkheads are to be installed—

(i) For wing tanks, .26$L$;

(ii) For center tanks if $b_i/B$ is equal to or greater than ⅕, .26$L$;

(iii) For center tanks if $b_i/B$ is less than ⅕ with no centerline longitudinal bulkhead,

$$(0.5 [b_i/B] + .13)L; \text{ or}$$

(vi) For center tanks if $b_i/B$ is less than ⅕ with centerline longitudinal bulkhead,

$$(0.25[b_i/B] + .2)L.$$

(Sec. 11, 75 Stat. 404, as amended (33 U.S.C. 1009); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(c)(7))

[CGD 74-163, 39 FR 30126, Aug. 21, 1974]

# PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

### Subpart A—General

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153.101 Purpose.
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153.105 Delegations.
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### Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

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153.417 Reimbursement for actions under section 311(c) of the Act.
153.419 Reimbursement for actions under section 311(d) of the Act.

AUTHORITY: Sec. 311(j)(1)(A) and (m), 86 Stat. 862 (33 U.S.C. 1321(j)(1)(A) and (m)); secs. 2, 5, and 7, E.O. 11735 (38 FR 21243); 49 CFR 1.45(b) and 1.46(l) and (m).

SOURCE: CGD 73-185, 41 FR 12630, Mar. 25, 1976, unless otherwise noted.

### Subpart A—General

#### § 153.101 Purpose.

The purpose of this part is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substance, the procedures for the removal of a discharge of oil, and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances.

#### § 153.103 Definitions.

As used in this part:

(a) "Act" means the Federal Water Pollution Control Act (86 Stat. 816, 33 U.S.C. 1251).

(b) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(c) "Hazardous substance" means any substance designated by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the Act.

(d) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(e) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(f) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(g) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) "Person" includes an individual, firm, corporation, association, and a partnership.

(i) "Onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

(j) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel.

(k) "Pollution Fund" and "Fund" means the revolving fund established in the Treasury under the authority in section 311(k) of the Act to carry out the provisions of section 311(c), (d), (i), and (l) of the Act.

(l) "On-Scene Coordinator" or "OSC" is the predesignated Federal official provided for or furnished by the Environmental Protection Agency or the Coast Guard to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substance Pollution Contingency Plan (National Contingency Plan) prepared pursuant to section 311(c)(2) of the Act and published in 40 CFR Part 1510.

(m) "Agency Coordinator" or "AC" is the Federal Official designated by the Environmental Protection Agency or the Coast Guard to coordinate and direct the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels, under the authority of section 311(d) of the Act.

(n) "Harmful Quantity" means those quantities of oil and any hazardous substance determined in accordance with the provisions of section 311(b)(4) of the Act.

NOTE: Regulations with respect to harmful quantities of oil are published in 40 CFR Part 110.

(o) "Coastal waters" are the waters of the United States navigable by deep draft vessels, the contiguous zone, and the other waters of the United States subject to tidal influence.

NOTE: Coastal waters are those U.S. waters and areas for which the Secretary of the Department in which the Coast Guard is operating has the responsibility to provide or furnish On-Scene Coordinators under the National Contingency Plan.

(p) "Inland waters" are those waters upstream from coastal waters.

NOTE: Inland waters are those U.S. waters and areas for which the Administrator of the Environmental Protection Agency has responsibility to provide or furnish On-Scene Coordinators under the National Contingency Plan. Specific dividing lines between coastal and inland waters are contained in the Regional Contingency Plans published pursuant to the National Contingency Plan.

(q) "Remove" or "Removal" refers to removal of oil or hazardous substances from the waters and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(r) "Chemical agents" means those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, conceal, entrap, fix, gel, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

(s) "Mechanical removal" means the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices to contain the discharge of oil and to recover the discharge from the water or adjoining shorelines.

(t) "Sorbent" means materials essentially inert and insoluble used to remove oil from water through a variety of sorption mechanisms. Examples include straw, expanded perlite, polyurethane foam, reclaimed paper fibres, and peat moss.

(u) "Chief, Office of Marine Environment and Systems" means the Coast Guard Officer designated by the Commandant to assist and advise him on matters relating to marine environmental protection, port safety and security, aids to navigation, and bridges over navigable waters.

(v) "Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, as published in the June 1, 1972 issue of the FEDERAL REGISTER (37 FR 11906).

(w) "Navigable waters" means the waters of the United States including the territorial seas.

### § 153.105 Delegations.

(a) Each district commander, within his assigned district, is delegated authority to—

(1) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than $5,000 for each offense against an owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone in violation of section 311(b)(3) of the Act;

(2) Make the request, allowed in section 311(b)(6) of the Act, of the District Director of Customs to withhold clearance required by 19 CFR 4.66(a) of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act;

(3) Make the determination, allowed in section 311(b)(6) of the Act, whether or not clearance required by 19 CFR 4.66(a) may be granted of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act upon the filing by him of a bond or other surety satisfactory to the district commander;

(4) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than $5,000 for each violation against an owner or operator of a vessel, an onshore facility, or an offshore facility, and any other person subject to regulations promulgated by the Coast Guard under section 311(j)(1) of the Act who fails or refuses to comply with those regulations, as prescribed in section 311(j)(2) of the Act;

(5) Determine an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from a transportation-related onshore or offshore facility, except aircraft, motor vehicles, rolling or pipeline system, and to secure the relief necessary to abate that actual or threatened discharge through the United States Attorney of the district in which the threat occurs, as prescribed in section 311(e) of the Act;

(6) Authorize for each discharge of oil or hazardous substance a total expenditure of $1,000,000 or less from the Pollution Fund for costs allowed in § 153.407;

(7) Deny entry to any port or place in the United States or the navigable waters of the United States, to, and detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to section 311(p) of the Act which upon request does not provide evidence of financial responsibility, as prescribed in section 311(p)(6) of the Act; and

(8) Except for public vessels, board and inspect any vessel upon the navigable waters of the United States or

the waters of the contiguous zone, with or without a warrant arrest any person who in his presence or view violates a provision of section 311 of the Act or any regulation issued thereunder, and execute any warrant or other process issued by an officer or court of competent jurisdiction, as prescribed in section 311(m) of the Act.

(b) The Chief, Office of Marine Environment and Systems, is delegated authority to—

(1) Carry out, in coastal waters, the functions contained in section 311(d) of the Act which are, whenever a marine disaster has created a substantial threat of a pollution hazard from a vessel, to coordinate and direct all public and private efforts directed at the removal or elimination of that threat, and to summarily remove and if necessary destroy that vessel;

(2) Authorize for each discharge of oil or hazardous substance an expenditure in excess of $1,000,000 from the Pollution Fund for costs allowed in § 153.407; and

(3) Determine an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from aircraft, motor vehicles, rolling stock, or pipeline system, and through the Chief Counsel secure the relief necessary to abate that actual or threatened discharge through the United States Attorney of the district in which the threat occurs, as prescribed in section 311(e) of the Act.

(c) Each Coast Guard official predesignated as On-Scene Coordinator by the applicable Regional Contingency Plan is delegated authority, pursuant to section 311(c)(1) of the Act, to remove or arrange for the removal of any oil or hazardous substance discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, unless he determines that the removal is being done properly by the owner of the vessel or facility from which the discharge occurs.

### § 153.107 Redelegation.

Except for the authority granted in § 153.105(a)(5), (b)(3), and (c), each Coast Guard officer to whom authority is granted in § 153.105 may redelegate and authorize successive redelegations of that authority within the command under his jurisdiction, or to members of his staff.

## Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

### § 153.201 Purpose.

The purpose of this subpart is to prescribe the manner in which the notice required in section 311(b)(5) of the Act is to be given and to list the government officials to receive that notice.

### § 153.203 Procedure for the notice of discharge.

(a) Before January 1, 1977, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication, one of the following persons:

(1) Duty Officer, National Response Center, U.S. Coast Guard 400 Seventh Street, SW, Washington, D.C. 20590, toll free telephone number 800-424-8802.

(2) The government official predesignated in the applicable Regional Contingency Plan as the On-Scene Coordinator for the geographic area in which the discharge occurs.

NOTE: Regional Contingency Plans are available at Coast Guard District Offices and Environmental Protection Agency (EPA) Regional Offices, as indicated in Table 2. Coast Guard District Office and EPA Regional Office addresses are listed in Table 1.

(3) Commanding Officer or Officer-in-Charge of any Coast Guard unit in the vicinity of the discharge, or in the case of a discharge into the Panama Canal Zone, the Marine Traffic Control in Cristobal or Balboa.

(4) Commander of the Coast Guard district in which the discharge occurs.

NOTE: Coast Guard Districts and corresponding states may be found in Part 3 of this Chapter.

(b) After December 31, 1976, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication the official designated in paragraph (a)(1) of this section, except as prescribed in paragraph (c) and (d) of this section.

(c) If after December 31, 1976, to give notice as prescribed in paragraph (b) of this section is impractical, notice may be given to the officials listed in paragraphs (a)(2) through (a)(4) of this section in order of priority.

(d) After December 31, 1976 any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance occurring in Alaska or Hawaii from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunications, or a similar means of rapid communications any of the officials listed in paragraphs (a)(2) through (a)(4) of this section.

### § 153.205 Fines.

Section 311(b)(5) of the Act prescribes that any person who fails to notify the appropriate agency of the United States Government immediately of a discharge is, upon conviction, subject to a fine of not more than $10,000, or to imprisonment of not more than one year, or both.

TABLE 1—ADDRESSES AND TELEPHONE NUMBERS OF COAST GUARD DISTRICT OFFICES AND EPA REGIONAL OFFICES

| | Address | Telephone |
|---|---|---|
| | EPA REGIONAL OFFICES | |
| Region | | |
| I | Room 2303, John F. Kennedy, Federal Bldg., Boston, Mass. 02203 | 617-223-7265 |
| II | Room 908, 26 Federal Plaza, New York, N.Y. 10007 | 201-548-8730 |
| III | Curtis Bldg., 6th and Walnut Sts., Philadelphia, Pa. 19106 | 215-597-9898 |
| IV | 1421 Peachtree St., NE., Atlanta, Ga. 30309 | 404-526-5062 |
| V | 230 S. Dearborn Ave., Chicago, Ill. 60604 | 312-896-7591 |
| VI | Suite 1600, 1600 Patterson St., Dallas, Tex. 75201 | 214-749-3840 |
| VII | 1735 Baltimore Ave., Kansas City, Mo. 64108 | 816-374-3778 |
| VIII | Suite 900, 1860 Lincoln St., Denver, Colo. 80203 | 303-837-3880 |
| IX | 100 California St., San Francisco, Calif. 94111 | 415-556-6254 |
| X | 1200 6th Ave., Seattle, Wash. 98101 | 206-442-1200 |
| | COAST GUARD DISTRICT OFFICES | |
| District | | |
| 1st | 150 Causeway St., Boston, Mass. 02114 | 617-223-3644 |
| 2d | Federal Bldg., 1520 Market St., St. Louis, Mo. 63101 | 314-622-4614 |
| 3d | Governors Island, New York, N.Y. 10004 | 212-264-4800 |
| 5th | Federal Bldg., 431 Crawford St., Portsmouth, Va. 23705 | 703-393-9611 |
| 7th | Room 1018, Federal Bldg., 51 Southwest 1st Ave., Miami, Fla. 33130 | 305-350-5611 |
| 8th | Customhouse, New Orleans, La. 70130 | 504-527-6225 |
| 9th | 1240 East 9th St., Cleveland, Ohio 44199 | 216-522-3983 |
| 11th | Heartwell Bldg., 19 Pine Ave., Long Beach, Calif. 90802 | 213-590-2311 |
| 12th | 630 Sansome St., San Francisco, Calif. 94126 | 415-556-5500 |
| 13th | 618 2nd Ave., Seattle, Wash. 98104 | 206-524-2902 |
| 14th | 677 Ala Moana Blvd., Honolulu, Hawaii 96813 | 808-546-7109 |
| 17th | P.O. Box 3-5000, Juneau, Alaska 99801 | 907-586-7340 |

TABLE 2—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS

| States and EPA region | Coast Guard district |
|---|---|
| Region I | |
| Maine | [1]1 |
| New Hampshire | 1 |
| Vermont | 1 |
| Massachusetts | 1 |
| Connecticut | 3 |
| Rhode Island | 1 |
| Region II | |
| New York | |
| Coastal area | [1]3 |
| Great Lakes area | 9 |
| New Jersey | 3 |
| Puerto Rico | 7 |
| Virgin Islands | 7 |

Footnote at end of table.

TABLE 2—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS—Continued

| States and EPA region | Coast Guard district |
|---|---|
| Region III | |
| Pennsylvania | |
| East coast | 3 |
| Lakeside | 9 |
| Maryland | [1]5 |
| Delaware | 3 |
| West Virginia | 2 |
| Virginia | 5 |
| District of Columbia | 5 |
| Region IV | |
| Kentucky | 2 |
| Tennessee | 2 |
| North Carolina | 5 |
| South Carolina | [1]7 |
| Georgia | 7 |
| Florida | 7 |
| Atlantic and Gulf coasts | 7 |
| Panhandle | 8 |
| Alabama | 8 |
| Mississippi | 8 |
| Canal Zone | 7 |
| Region V | |
| Minnesota | [1]9 |
| Wisconsin | 9 |
| Michigan | 9 |
| Illinois | 9 |
| Indiana | 9 |
| Ohio | 9 |
| Region VI | |
| New Mexico | 8 |
| Texas | [1]8 |
| Oklahoma | 2 |
| Arkansas | 2 |
| Louisiana | 8 |
| Region VII | |
| Nebraska | 2 |
| Iowa | 2 |
| Kansas | 2 |
| Missouri | 2 |
| Region VIII | |
| Montana | 13 |
| Wyoming | 2 |
| Utah | 12 |
| Colorado | 2 |
| North Dakota | 2 |
| South Dakota | 2 |
| Region IX | |
| California | |
| Northern | [1]12 |
| Southern | 11 |
| Nevada | 12 |
| Arizona | 11 |
| Hawaii | 14 |
| Guam | 14 |
| American Samoa | 14 |
| Trust Territories of the Pacific | 14 |
| Region X | |
| Washington | [1]13 |
| Oregon | 13 |
| Idaho | 13 |
| Alaska | 17 |

[1] Coastal plans for standard regions are available for public inspection

## Subpart C—Removal of Discharged Oil

### § 153.301 Purpose.

The purpose of this subpart is to prescribe methods and procedures to be used to remove discharges of oil from coastal waters.

### § 153.303 Applicability.

The provisions of this subpart apply to any owner or operator of a vessel or onshore or offshore facility from which a discharge of oil into coastal waters occurs who acts to remove or arranges for the removal of such discharges.

### § 153.305 Methods and procedures for the removal of discharged oil.

Each person who removes or arranges for the removal of a discharge of oil from coastal waters shall:

(a) Use to the maximum extent possible mechanical methods and sorbents that—

(1) Most effectively expedite removal of the discharged oil; and

(2) Minimize secondary pollution from the removal operations;

NOTE: The Federal OSC is authorized by the provisions of the National Contingency Plan to require or deny the use of specific mechanical methods and sorbents. Sorbent selection considerations of the OSC include hydrographic and meteorological conditions, characteristics of the sorbent, and availability of a mechanical method for containment and recovery.

(b) Control the source of discharge, prevent further discharges, and halt or slow the spread of the discharge by mechanical methods or sorbents or both to the maximum extent possible;

(c) Recover the discharged oil from the water or adjoining shorelines by mechanical or manual methods or both to the maximum extent possible;

(d) Use chemical agents only in accordance with the provisions of Annex X of the National Contingency Plan and with the prior approval of the Federal OSC; and

(e) Dispose of recovered oil and oil contaminated materials in accordance with applicable State and local government procedures.

### § 153.307 Penalties.

Section 311(j)(2) of the Act prescribes that any person who fails or refuses to comply with the provisions of this subpart is liable to a civil penalty of not more than $5,000.

## Subpart D—Administration of the Pollution Fund

### § 153.401 Purpose.

This subpart prescribes policies, procedures, and reporting requirements for the payment from and deposit into the Fund established pursuant to section 311(k) of the Act.

### § 153.403 Applicability.

The provisions of this subpart apply to—

(a) Each Federal and State agency that desires reimbursement from the Fund for costs incurred during a removal activity; and

(b) The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity.

### § 153.405 Liability to the pollution fund.

The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity is liable to the pollution fund for the actual costs of Federal and State agencies, including the employment and use of personnel and equipment, not to exceed the limits established by sections 311(f) and (g) of the Act.

### § 153.407 Payments or reimbursement from the pollution fund.

(a) The following costs incurred during performance of a Phase III or IV activity, defined by the National Contingency Plan, as authorized by the appropriate OSC under the authority of section 311(c) of the Act and of the provisions of the National Contingency Plan, or during the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels, as authorized by the appropriate AC under the authority of section 311(d) of the Act are reimbursable to Federal and State agencies:

(1) Costs found to be reasonable by the Coast Guard incurred by government industrial type facilities, including charges for overhead in accordance with the agency's industrial accounting system.

(2) Actual costs for which an agency is required or authorized by any law to obtain full reimbursement.

(3) Costs found to be reasonable by the Coast Guard incurred as a result of removal activity that are not ordinarily funded by an agency's regular appropriations and that are not incurred during normal operations. These costs include, but are not limited to, the following:

(i) Travel (transportation and per diem) specifically requested of the agency by the On-Scene Coordinator.

(ii) Overtime for civilian personnel specifically requested of the agency by the On-Scene Coordinator.

(iii) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred in connection with the removal activity.

(iv) Supplies, materials, and equipment procured for the specific removal activity and fully expended during the removal activity.

(v) Lease or rental of equipment for the specific removal activity.

(vi) Contract costs for the specific removal activity.

(4) Claims payable under Part 25, Subpart J of this title.

(b) The District Commander may authorize the direct payment of the costs found to be reasonable under paragraph (a)(3) of this section.

(c) The Pollution Fund is not available to pay any foreign, Federal, State or local government or agency for the payment or reimbursement of its costs incurred in the removal of oil or hazardous substances discharged from a vessel or facility that it owns or operates.

NOTE: Federal procurement procedures governing contracts to purchase property and services apply to costs incurred as a result of removal activity. Where the public exigency will not permit the delay incident to advertising, purchases and contracts are negotiated pursuant to 10 U.S.C. 2304(a)(2) or 41 U.S.C. 252(c)(2), as applicable.

### § 153.411 Procedures for payment of judgments.

An owner or operator of a vessel or an onshore or offshore facility who obtains a judgment against the United States under section 311(i) of the Act may have the judgment satisfied by requesting payment of the judgment in writing from the Commandant (G-L), 2100 Second Street SW., Washington, D.C. 20593. This request must be accompanied by a copy of the judgment and must designate to whom payment should be made.

### § 153.413 Deposit of money into the fund.

Any person liable for the payment of the following shall remit payment by check or postal money order, payable to the U.S. Coast Guard, to the cognizant District Commander, or to the Commandant for deposit into the Pollution Fund as prescribed in section 311(k) of the Act:

(a) A fine or penalty imposed, assessed, or compromised under section 311 of the Act, including the proceeds of a bond or other surety obtained pursuant to section 311(b)(6).

(b) A claim asserted by the cognizant District Commander for costs recoverable under sections 311 (f) and (g) of the Act.

(c) A judgment obtained by the United States for costs recoverable under sections 311 (f) and (g) of the Act.

### § 153.415 OSC and AC reports.

As soon as practicable after completion of an action authorized under section 311 (c) or (d) of the Act, the OSC or AC submits a report to the cognizant District Commander that must include—

(a) Names of agencies and contractors authorized to participate in the action;

(b) A general description of the function performed by each participating agency and contractor;

(c) An estimate of the cost of each function performed by each participating agency and contractor; and

(d) A copy of contracts, memoranda, or other documents pertaining to the functions performed by the participating agencies and contractors.

### § 153.417 Reimbursement for actions under section 311(c) of the Act.

(a) Each Federal or State agency requesting reimbursement for an action authorized under section 311(c) of the Act must, within 60 days after completion of the action, submit to the cognizant District Commander, through the OSC for review and certification required in paragraph (b) of this section, lists, accompanied by supporting accounting data, itemizing actual costs incurred.

(b) Requests for reimbursement submitted by Federal and State agencies are reviewed by the OSC to ensure that the costs for which reimbursement is being sought were authorized as Phase III and IV removal actions and must have one of the following certifications by the OSC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as Phase III and IV removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund.

_______________
(Signature)

OSC
_______________
(Incident title)

_______________
(Pollution incident project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as Phase III and IV removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were

not authorized by me and are not subject to reimbursement from the Pollution Fund:

_______________
(Signature)
OSC
_______________
(Incident title)

_______________
(Pollution incident
project number)

**§ 153.419 Reimbursement for actions under section 311(d) of the Act.**

(a) Each Federal agency requesting reimbursement for an action authorized under section 311(d) of the Act must, within 60 days after completion of the action, submit to the cognizant District Commander, through the AC for review and certification required in paragraph (b) of this section, lists, accompanied by supporting accounting data, itemizing actual costs incurred.

(b) Requests for reimbursement submitted by Federal agencies are reviewed by the AC to ensure that the costs for which reimbursement is being sought were authorized under section 311(d) of the Act and must have one of the following certifications by the AC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the Act and reasonable costs related thereto are proper for payment from the Pollution Fund.

_______________
(Signature)
AC
_______________
(Incident title)

_______________
(Pollution incident
project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the Act, and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund:

_______________
(Signature)
AC
_______________
(Incident title)

_______________
(Pollution incident
project number)

# PART 154—OIL POLLUTION PREVENTION REGULATIONS FOR MARINE OIL TRANSFER FACILITIES

## Subpart A—General

Sec.

154.100 Applicability.
154.105 Definitions.
154.106 Incorporation by reference.
154.107 Alternatives.
154.108 Exemptions.
154.110 Letter of intent.
154.120 Facility examinations.

## Subpart B—Operations Manual

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154.310 Operations manual: contents.
154.320 Operations manual: amendment.
154.325 Operations manual: letter of adequacy.

## Subpart C—Equipment Requirements

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154.510 Loading arms.
154.520 Closure devices.
154.525 Monitoring devices.
154.530 Small discharge containment.
154.540 Discharge removal.
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154.700 General.
154.710 Persons in charge: designation and qualification.
154.730 Persons in charge: evidence of designation.
154.740 Records.
154.750 Compliance with operations manual.

AUTHORITY: 33 U.S.C. 1321(j)(1)(C); E.O. 11735, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46(m), unless otherwise noted.

## Subpart A—General

Source: CGD 75-124, 45 FR 7169, Jan. 31, 1980, unless otherwise noted.

### § 154.100 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, this part applies to each facility that is capable of transferring oil in bulk to or from any vessel or public vessel with a capacity of 250 or more barrels of that oil.

(b) This part does not apply to a facility in a caretaker status (one that is not operational or not capable of conducting oil transfer operations).

(c) This part does not apply to a marina (a facility that services primarily pleasure craft) unless it engages in the transfer of oil in bulk to or from a vessel or public vessel with a capacity of 250 or more barrels of that oil.

### § 154.105 Definitions.

As used in this part:

"Captain of the Port" (COTP) means the U. S. Coast Guard officer commanding a Captain of the Port Zone described in Part 3 of this chapter, or that person's authorized representative.

"Commandant" means the Commandant of the Coast Guard or an authorized representative.

"Contiguous Zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, but not extending beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in Part 3 of this chapter or an authorized representative.

"Facility" means either an onshore facility or an offshore facility and includes, but is not limited to structures, equipment, and appurtenances thereto, used or capable of being used to transfer oil to or from a vessel or a public vessel. A facility includes federal, state, municipal, and private facilities.

"Facility operator" means the person who owns, operates, or is responsible for the operation of the facility.

"Mobile facility" means any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel.

"Monitoring device" means any fixed or portable sensing device used to monitor for a discharge of oil onto the water, within or around a facility, and designed to notify operating personnel of a discharge of oil.

"Officer in Charge, Marine Inspection" (OCMI) means the U. S. Coast Guard officer commanding a Marine Inspection Zone described in Part 3 of this chapter, or an authorized representative.

"Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

"Person in charge" means an individual designated as a person in charge of oil transfer operations under §§ 154.710 (for facilities) or 155.700 (for vessels) of this chapter.

"Tank barge" means any tank vessel not equipped with a means of self-propulsion.

"Tank vessel" means any vessel that carries oil in bulk as cargo or in residue.

"Transfer" means any movement of oil to, from, or within a vessel by means of pumping, gravitation, or displacement.

"Vessel operator" means a person who owns, operates, or is responsible for the operation of a vessel.

### § 154.106 Incorporation by reference.

(a) The American National Standards Institute (ANSI) standards referred to in this Part are incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register under the provisions of 1 CFR Part 51 on December 20, 1978.

(b) The standards are on file in the Federal Register library, and copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017.

(c) The standards may also be examined at the Merchant Marine Technical Division (G-MMT-2/TP12), Room 1214, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593 ((202) 426-2160).

### § 154.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods, or equipment standards to be used by a facility operator in lieu of any requirement in this part if—

(1) Compliance with the requirement is economically or physically impractical;

(2) The alternative provides an equivalent level of safety and protection from pollution by oil, which is documented in the request; and

(3) The facility operator submits a written request for the alternative.

(b) The COTP takes final approval or disapproval action on the request, in writing, within 30 days of receipt of the request.

### § 154.108 Exemptions.

(a) The Chief, Office of Marine Environment and Systems, acting for the Commandant, grants an exemption or partial exemption from compliance with any requirement in this part if—

(1) A facility operator submits an application for the exemption via the COTP; and

(2) It is determined, from the application, that—

(i) Compliance with the requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of safety and protection from pollution by oil; and

(iii) The likelihood of oil being discharged is not substantially increased as a result of the exemption.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption, and proposed procedures, methods or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An exemption is granted or denied in writing. The decision of the Chief, Office of Marine Environment and Systems is a final agency action.

### § 154.110 Letter of intent.

(a) The facility operator of any facility to which this part applies must submit a letter of intent to operate a facility or to conduct mobile facility operations to the COTP not less than 60 days before the intended operations unless a shorter period is allowed by the COTP. Previously submitted letters of intent need not be resubmitted.

(b) The letter of intent required by paragraph (a) of this section may be in any form but must contain—

(1) The name, address, and telephone number of the facility operator;

(2) The name, address, and telephone number of the facility or, in the case of a mobile facility, the dispatching office; and

(3) Except for a mobile facility, the geographical location of the facility in relation to the associated body of navigable waters.

(c) The facility operator of any facility for which a letter of intent has been submitted, shall within five (5) days advise the COTP in writing of any changes of information and shall cancel, in writing, the letter for any facility at which oil transfer operations are no longer conducted.

### § 154.120 Facility examinations.

(a) The facility operator shall allow the Coast Guard, at any time, to make any examination and shall perform, upon request, any test to determine compliance with this part and part 156, as applicable. The facility operator shall conduct all required testing of facility equipment in a manner acceptable to the Coast Guard.

(b) The COTP shall provide the facility operator with a written report of the results of the examination for the record required by § 154.740(e) and shall list the deficiencies in the report when the facility is not in compliance with the requirements in this part and Part 156 of this chapter.

## Subpart B—Operations Manual

SOURCE: CGD 75-124, 45 FR 7171, Jan. 31, 1980, unless otherwise noted.

**§ 154.300 Operations manual: general.**

(a) The facility operator of each facility to which this part applies shall submit, with the letter of intent, an operations manual that—

(1) Describes how the applicant meets the operating rules and equipment requirements prescribed by this part and Part 156 of this chapter;

(2) Describes the responsibilities of personnel under this part and Part 156 of this chapter in conducting oil transfer operations; and

(3) Includes translations into a language or languages understood by all designated persons in charge of transfer operations employed by the facility.

(b) The facility operator shall maintain the operations manual so that it is—

(1) Current; and

(2) Readily available for examination by the COTP.

(c) The COTP shall review the operations manual when submitted, after any substantial amendment, and as otherwise required by the COTP.

(d) In determining whether the manual meets the requirements of this part and Part 156 of this chapter the COTP shall consider the size, complexity, and capability of the facility.

(e) If the manual meets the requirements of this part and Part 156 of this chapter, the COTP shall issue a "letter of adequacy" as described in § 154.325.

(f) The facility operator shall ensure that a sufficient number of copies of the operations manual, including a sufficient number of the translations required by paragraph (a)(3) of this section, are readily available for each facility person in charge while conducting an oil transfer operation.

NOTE: The facility operator may request that the contents of the operations manual or portions thereof be considered commercial or financial information that is privileged or confidential. Under the Freedom of Information Act, the Coast Guard would withhold any part of the contents of the operations manual from public disclosure upon determining that it is commercial or financial information that is privileged or confidential.

**§ 154.310 Operations manual: contents.**

(a) Each operations manual required by § 154.300 must contain—

(1) The geographic location of the facility;

(2) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, and locations of safety equipment;

(3) The hours of operation of the facility;

(4) The sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously;

(5) For each product transferred at the facility—

(i) Generic or chemical name; and

(ii) The following cargo information:

(A) The name of the cargo, as listed in Table 30.25-1 of 46 CFR;

(B) A description of the appearance of the cargo;

(C) A description of the odor of the cargo;

(D) The hazards involved in handling the cargo;

(E) Instructions for safe handling of the cargo;

(F) The procedures to be followed if the cargo spills or leaks, or if a person is exposed to the cargo; and

(G) A list of fire fighting procedures and extinguishing agents effective with fires involving the cargo.

(6) The minimum number of persons on duty during transfer operations and their duties;

(7) The names and telephone numbers of facility, Coast Guard, and other personnel who may be called by the employees of the facility in an emergency;

(8) The duties of watchmen, required by § 155.810 of this chapter and 46 CFR 35.05-15, for unmanned vessels moored at the facility;

(9) A description of each communication system required by this part;

(10) The location and facilities of each personnel shelter, if any;

(11) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(12) A description and the location of each emergency shutdown system;

(13) Quantity, types, locations, and instructions for use of monitoring devices if required by § 154.525;

(14) Quantity, type, location, instructions for use, and time limits for gaining access to the containment equipment required by § 154.545;

(15) Quantity, type, location, and instructions for use of fire extinguishing equipment required by § 126.15(j) of this chapter;

(16) The maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each oil transfer system;

(17) Procedures for—

(i) Operating each loading arm including the limitations of each loading arm;

(ii) Transferring oil;

(iii) Completion of pumping; and

(iv) Emergencies;

(18) Procedures for reporting and initial containment of oil discharges;

(19) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(20) Procedures for shielding portable lighting authorized by the COTP under § 154.570(c); and

(21) A description of the training and qualification program for persons in charge.

(b) The facility operator shall incorporate a copy of each amendment to the operations manual under § 154.320 in each copy of the manual with the related existing requirement, or add the amendment at the end of each manual if not related to an existing requirement.

(c) The operations manual must be written in the order specified in paragraph (a) of this section, or contain a cross-referenced index page in that order.

### § 154.320 Operations manual: amendment.

(a) Using the following procedures, the COTP may require the facility operator to amend the operations manual if the COTP finds that the operations manual does not meet the requirements in this part:

(1) The COTP shall notify the facility operator in writing of any inadequacies in the operations manual. The facility operator may submit written information, views, and arguments on and proposals for amending the manual within 14 days from the date of the COTP notice. After considering all relevant material presented, the COTP shall notify the facility operator of any amendment required or adopted, or the COTP shall rescind the notice. The amendment becomes effective 30 days after the facility operator receives the notice, unless the facility operator petitions the Commandant to review the COTP's notice, in which case its effective date is delayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing via the COTP who issued the requirement to amend.

(2) If the COTP finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (a)(1) of this section impractical or contrary to the public interest, the COTP may issue an amendment effective on the date the facility operator receives notice of it. In such a case, the COTP shall include a brief statement of the reasons for the findings in the notice. The owner or operator may petition the Commandant to review the amendment, but the petition does not delay the amendment.

(b) The facility operator may propose amendments to the operations manual by—

(1) Submitting any proposed amendment and reasons for the amendment to the COTP not less than 30 days before the requested effective date of the proposed amendment; or

(2) If an immediate amendment is needed, requesting the COTP to approve the amendment immediately.

(c) The COTP shall respond to proposed amendments submitted under paragraph (b) of this section by—

(1) Approving or disapproving the proposed amendments;

(2) Advising the facility operator whether the request is approved, in writing, before the requested date of the amendments;

(3) Including any reasons in the written response if the request is disapproved; and

(4) If the request is made under paragraph (b)(2) of this section imme-

diately approving or rejecting the request.

(d) Amendments to personnel and telephone number lists required by § 154.310(a)(8) do not require prior COTP approval, but the COTP must be advised of such amendments as they occur.

### § 154.325 Operations manual: letter of adequacy.

(a) The letter of adequacy is a letter, from the COTP to the facility operator, certifying that the operations manual meets the requirements of this part.

(b) No person may use an operations manual for oil transfer operations, as required by § 156.120 (t)(2), (t)(3), and (u)(2) of this chapter, unless the facility operator has a valid letter of adequacy for the operations manual.

(c) The requirement in paragraph (b) of this section for a valid letter of adequacy is effective either on (date three years after effective date of the final rule); upon issuance to a facility operator of the first letter of adequacy; or upon any substantial amendment to the operations manual, whichever is earliest.

(d) The letter of adequacy is voided if the facility operator—

(1) Amends the operations manual without following the procedures in § 154.320; or

(2) Fails to amend the operations manual when required by the COTP.

## Subpart C—Equipment Requirements

Source: CGD 75-124, 45 FR 7172, Jan. 31, 1980, unless otherwise noted.

### § 154.500 Hose assemblies.

Each hose assembly used for transferring oil must meet the following requirements:

(a) The minimum design burst pressure for each hose assembly must be—

(1) At least 600 pounds per square inch; and

(2) At least four times the sum of the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(b) The maximum allowable working pressure (MAWP) for each hose assembly must be—

(1) At least 150 pounds per square inch; and

(2) More than the sum of the pressure of the relief valve setting (or the maximum pump pressure when no valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(c) Each nonmetallic hose must be usable for oil service.

(d) Each hose assembly must either have—

(1) Full threaded connections;

(2) Flanges that meet standard B16.5, *Steel Pipe Flanges and Flang Fittings*, or standard B.16.24, *Brass or Bronze Pipe Flanges*, of the American National Standards Institute (ANSI); or

(3) Quick-connect couplings that are acceptable to the Commandant.

(e) Except as provided in paragraph (f) of this section, each hose must be marked with—

(1) The products for which the hose may be used or the words "oil service";

(2) Maximum allowable working pressure;

(3) Date of manufacture; and

(4) Date of the latest test required by § 156.170 of this chapter.

(f) The information required by paragraph (e)(3) and (4) of this section need not be marked on the hose if it is recorded elsewhere at the facility and the hose is marked to identify it with that information.

(g) The hose burst pressure and the pressure used for the test required by § 156.170 of this chapter must not be marked on the hose and must be recorded elsewhere at the facility as described in paragraph (f) of this section.

(h) Each hose used to transfer oil for fuel to a vessel that has a fill pipe for which containment can not practically be provided must be equipped with an automatic back pressure shutoff nozzle.

### § 154.510 Loading arms.

(a) Each mechanical loading arm used for transferring oil and placed into service after June 30, 1973, must meet the design, fabrication, material, inspection, and testing requirements in ANSI Standard B31.3 with Addenda B31.3a, *Petroleum Refinery Piping*.

(b) The manufacturer's certification that the standard in paragraph (a) of this section has been met must be permanently marked on the loading arm or recorded elsewhere at the facility with the loading arm marked to identify it with that information.

(c) Each mechanical loading arm used for transferring oil must have a means of being drained or closed before being disconnected after transfer of oil.

### § 154.520 Closure devices.

The facility must have enough butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP to blank off the ends of each hose or loading arm that is not connected for the transfer of oil. New, unused hose is exempt from this requirement.

### § 154.525 Monitoring devices.

The COTP may require the facility to install monitoring devices if the installation of monitoring devices at the facility would significantly limit the size of a discharge of oil and either—

(a) The environmental sensitivity of the area requires added protection;

(b) The products transferred at the facility pose a significant threat to the environment; or

(c) The size or complexity of the transfer operation poses a significant potential for a discharge of oil.

### § 154.530 Small discharge containment.

(a) Except as provided in paragraphs (c) and (d) of this section, the facility must have fixed catchments, curbing, or other fixed means to contain oil discharged in at least—

(1) Each hose handling and loading arm area (that area on the facility that is within the area traversed by the free end of the hose or loading arm when moved from its normal stowed or idle position into a position for connection); and

(2) Each hose connection manifold area.

(b) The discharge containment means required by paragraph (a) of this section must have a capacity of at least—

(1) Two barrels if it serves one or more hoses of 6-inch inside diameter or smaller, or loading arms of 6-inch nominal pipe size diameter or smaller;

(2) Three barrels if it serves one or more hoses with an inside diameter of more than 6-inches, but less than 12 inches, or loading arms with a nominal pipe size diameter of more than 6 inches, but less than 12 inches; or

(3) Four barrels if it serves one or more hoses of 12-inch inside diameter or larger, or loading arms of 12-inch nominal pipe size diameter or larger.

(c) The facility may use portable means of not less than ½ barrel capacity each to meet the requirements of paragraph (a) of this section for part or all of the facility if the COTP finds that fixed means to contain oil discharges are not feasible.

(d) A mobile facility may have portable means of not less than five gallons capacity to meet the requirements of paragraph (a) of this section.

### § 154.540 Discharge removal.

The facility must have a means to safely and quickly remove discharged oil from the containment means required by § 154.530 without discharging the oil into the water.

### § 154.545 Discharge containment equipment.

(a) Each facility must have ready access to enough oil containment material and equipment to contain any oil discharged on the water from operations at that facility.

(b) For the purpose of this section, "access" may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) Each facility must establish time limits, subject to approval by the COTP, for deployment of the containment material and equipment required by paragraph (a) of this section considering—

(1) Oil handling rates;

(2) Oil capacity susceptible to being spilled;

(3) Frequency of facility operations;

(4) Tidal and current conditions;

(5) Facility age and configuration; and

(6) Past record of discharges.

(d) The COTP may require a facility to surround each vessel conducting an oil transfer operation with oil containment material before commencing an oil transfer operation if—

(1) The environmental sensitivity of the area requires the added protection;

(2) The products transferred at the facility pose a significant threat to the environment;

(3) The past record of discharges at the facility is poor; or

(4) The size or complexity of the transfer operation poses a significant potential for a discharge of oil; and

(5) The use of vessel containment provides the only practical means to reduce the extent of environmental damage.

### § 154.550 Emergency shutdown.

(a) The facility must have an emergency means to enable the person-in-charge of the transfer of oil on board the vessel, at his or her usual operating station, to stop the flow of oil from the facility to the vessel. This means must be—

(1) An electrical, pneumatic, or mechanical linkage to the facility; or

(2) An electronic voice communications system continuously operated by a person on the facility who can stop the flow of oil immediately.

(b) The point in the oil transfer system at which the emergency means stops the flow of oil on the facility must be located near the dock manifold connection to minimize the loss of oil in the event of the rupture or failure of the—

(1) Hose;

(2) Loading arm; or

(3) Manifold valve.

(c) Not later than November 1, 1980, the means required by paragraph (a) of this section must be able to stop the flow of oil in—

(1) 60 seconds on any facility or portion of a facility which starts operations on or before November 1, 1980; and

(2) 30 seconds on any facility which starts operations after November 1, 1980.

### § 154.560 Communications.

(a) Each facility must have a means that enables continuous two-way voice communication between the person in charge of the vessel transfer operation and the person in charge of the facility transfer operation.

(b) Each facility must have a means, which may be the communications system itself, that enables a person on board a vessel or on the facility to effectively indicate the desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather at the facility.

(d) A facility may use the system in § 154.550(a)(2) to meet the requirement of paragraph (a) of this section.

(e) Portable radio devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in 46 CFR 110.15-100(i), and meet Class I, Division I, Group D requirements as defined in 46 CFR 111.80.

[CGD 75-124, 45 FR 7172, Jan. 31, 1980; 45 FR 43705, June 30, 1980]

### § 154.570 Lighting.

(a) Except as provided in paragraph (c) of this section, for operations between sunset and sunrise, a facility must have fixed lighting that adequately illuminates—

(1) Each transfer connection point on the facility;

(2) Each transfer connection point in use on any barge moored at the facility to or from which oil is being transferred;

(3) Each oil transfer operations work area on the facility; and

(4) Each oil transfer operations work area on any barge moored at the facility to or from which oil is being transferred.

(b) Where the illumination is apparently inadequate, the COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the barge deck or walking surface, illumination must measure at least—

(1) 5.0 foot candles at transfer connection points; and

(2) 1.0 foot candle in oil transfer operations work areas.

(c) For small or remote facilities, the COTP may authorize operations with an adequate level of illumination provided by the vessel or by portable means.

(d) Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.

## Subpart D—Facility Operations

### § 154.700 General.

No person may operate a facility unless the equipment, personnel, and operating procedures of that facility meet the requirements of this part.

[CGD 75-124, 45 FR 7173, Jan. 31, 1980]

### § 154.710 Persons in charge: designation and qualification.

No person may serve, and the facility operator may not use the services of a person, as person in charge of facility oil transfer operations unless—

(a) The facility operator has designated that person as a person in charge and has advised the Captain of the Port in writing of his designation;

(b) He has had at least 48 hours of experience in oil transfer operations at a facility in operations to which this part applies;

(c) He has enough experience at the facility for which qualification is desired to enable the facility operator to determine that his experience is adequate and that he can operate the oil transfer equipment of the facility, except that, for new facilities, the Captain of the Port may authorize alternative experience requirements; and

(d) The facility operator has determined that he knows—

(1) The hazards of each product to be transferred;

(2) The rules in this part and in Part 156 of this chapter;

(3) The facility operating procedures as described in the operations manual;

(4) Vessel oil transfer systems, in general;

(5) Vessel oil transfer control systems, in general;

(6) Each facility oil transfer control system to be used;

(7) Local discharge reporting procedures; and

(8) The facility's contingency plan for discharge reporting and containment.

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); E.O. 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71-160R, 37 FR 28253, Dec. 21, 1972]

### § 154.730 Person in charge: evidence of designation.

Each person in charge shall carry evidence of his designation as a person in charge when he is engaged in transfer operations unless such evidence is immediately available at the facility.

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); E.O. 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71-160R, 37 FR 28253, Dec. 21, 1972]

### § 154.740 Records.

Each facility operator shall keep at the facility and make available for examination by the COTP—

(a) A copy of the letter of intent for the facility;

(b) The name of each person currently designated as a person in charge of oil transfer operations at the facility;

(c) The date and result of the most recent test or examination of each item tested or examined under § 156.170 of this chapter;

(d) The hose information required by § 154.500 (e) and (g) except that marked on the hose;

(e) The record of all examinations of the facility by the COTP within the last 3 years; and

(f) The Declaration of Inspection required by § 156.150(f) of this chapter.

[CGD 75-124, 45 FR 7173, Jan. 31, 1980]

### § 154.750 Compliance with operations manual.

The facility operator shall require facility personnel to use the procedures in the operations manual prescribed by § 154.300 for operations under this part.

[CGD 75-124, 45 FR 7174, Jan. 31, 1980]

## PART 155—OIL POLLUTION PREVENTION REGULATIONS FOR VESSELS

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APPENDIX A—SPECIFICATIONS FOR SHORE CONNECTION.

AUTHORITY: 33 U.S.C. 1321(j)(1) (C) and (D); E.O. 11735, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46(m), unless otherwise noted.

### Subpart A—General

SOURCE: CGD 75-124, 45 FR 7174, Jan. 31, 1980, unless otherwise noted.

#### § 155.100 Applicability.

This part prescribes procedures, methods, equipment and other requirements for equipment to prevent and contain oil discharges from vessels on the navigable waters and contiguous zone of the U.S.

#### § 155.105 Definitions.

The definitions in Part 154 of this chapter apply to this part.

#### § 155.107 Alternatives.

(a) The COTP or OCMI may consider and approve alternative procedures, methods, or equipment standards to be used by a vessel operator in lieu of any requirements in this part if—

(1) Compliance with the requirement is economically or physically impractical;

(2) The vessel operator submits a written request for the alternative at least 30 days before operations under the alternative are proposed; and

(3) The alternative provides an equivalent level of safety and protection from pollution by oil, which is documented in the request.

(b) The COTP or OCMI takes final approval or disapproval action on any alternative requested, in writing, within 30 days of receipt of the request.

#### § 155.110 Exemptions.

(a) The Chief, Office of Marine Environment and Systems, acting for the Commandant, grants an exemption or partial exemption from compliance with any requirement in this part if—

(1) A vessel operator submits an application for exemption via the COTP or OCMI 30 days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined, from the application, that—

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of safety and protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption and proposed procedures, methods or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An exemption is granted or denied in writing. The decision of the Chief, Office of Marine Environment and Systems is a final agency action.

## Subpart B—Vessel Equipment

AUTHORITY: Sections 155.330--155.410 issued under sec. 311(j)(1) (C) and (D) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1) (C) and (D); E.O. 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m).

SOURCE: CGD 71-160R, 37 FR 28256, Dec. 21, 1972, unless otherwise noted.

### § 155.310 Cargo oil discharge containment.

(a) A tank vessel with a capacity of 250 or more barrels that is carrying oil cargo must have—

(1) Under or around each oil loading manifold and each oil transfer connection point, a fixed container or enclosed deck area that, in all conditions of vessel list or trim encountered during the loading operation, has a capacity of at least—

(i) One half barrel if it serves one or more hoses with an inside diameter of 2 inches or less, or one or more loading arms with a nominal pipe size diameter of 2 inches or less;

(ii) One barrel if it serves one or more hoses with an inside diameter of more than 2 inches but less than 4 inches, or one or more loading arms with a nominal pipe size diameter of more than 2 inches but less than 4 inches;

(iii) Two barrels if it serves one or more hoses with an inside diameter of 4 inches or more, but less than 6 inches, or one or more loading arms with a nominal pipe size diameter of 4 inches or more, but less than 6 inches;

(iv) Three barrels if it serves one or more hoses with an inside diameter of 6 inches or more, but less than 12 inches, or one or more loading arms with a nominal pipe size diameter of 6 inches or more, but less than 12 inches; or

(v) Four barrels if it serves one or more hoses with an inside diameter of 12 inches or more, or one or more loading arms with a nominal pipe size diameter of 12 inches or more;

(2) Means of draining or removing discharged oil from each container or enclosed deck area without discharging the oil into the water; and

(3) A mechanical means of closing each drain and scupper in the container or enclosed deck area required by this section.

(b) A tank barge with a capacity of 250 or more barrels that is carrying oil cargo must meet paragraph (a) of this section or be equipped with—

(1) A coaming, at least 4 inches high but not more than 8 inches high, enclosing the immediate area of the cargo hatches, oil loading manifolds, and transfer connections, that has a capacity, in all conditions of vessel list and trim to be encountered during the loading operation, of at least one-half barrel per hatch, manifold, and connection within the enclosed area;

(2) A fixed or portable container, under each oil loading manifold and each oil transfer connection within the coaming, that holds at least one-half barrel;

(3) A mechanical means of closing each drain and scupper within the coaming; and

(4) A means of draining or removing discharged oil from the fixed or portable container and from within the coamings without discharging the oil into the water.

[CGD 75-124, 45 FR 7174, Jan. 31, 1980]

### § 155.320 Fuel oil and bulk lubricating oil discharge containment.

(a) A vessel of 300 gross tons or more constructed after June 30, 1974 must have a fixed container or enclosed deck area under or around each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe, which—

(1) For a vessel of 300 or more but less than 1600 gross tons has a capacity of at least one-half barrel; and

(2) For a vessel of 1600 or more gross tons has a capacity of one barrel.

(b) A vessel of 100 gross tons or more constructed before July 1, 1974, and a vessel of 100 or more but less than 300 gross tons constructed after June 30, 1974 must—

(1) Meet paragraph (a)(1) of this section;

(2) Equip each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe during oil transfer operations with a portable container of at least a 5 U.S. gallon capacity; or

(3) If the vessel has a fill fitting for which containment is impractical, use an automatic back pressure shut-off nozzle.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980]

### § 155.330 Oily waste and slop retention.

(a) No person may operate a vessel of 100 or more gross tons unless it has capacity to retain on board all oily waste and oily bilge slops that may accumulate while operating in the navigable waters or contiguous zone.

(b) No person may use a tank for oily bilge slops or oily waste on U.S. vessels certificated under 46 CFR Ch. I unless the tank meets the requirements of 46 CFR 56.50-50(h) for isolation between oil and bilge systems.

### § 155.340 Bilge slops on vessels of 100 or more gross tons: Ocean or coastwise service.

No person may operate a U.S. vessel of 100 or more gross tons certificated under 46 CFR Ch. I for Ocean or coastwise service, or a foreign vessel of 100 or more gross tons, that is fitted with either main or auxiliary machinery spaces, unless—

(a) The vessel has at least one pump installed to discharge oily bilge slops through a fixed piping system;

(b) The piping system required by this section has at least one outlet—

(1) For vessels of 1,600 or more gross tons, on each side of the weather deck; or

(2) For vessels of less than 1,600 gross tons, accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or the vessel has at least one portable adapter that meets the specifications in Appendix A of this part and fits the required outlets;

(d) The vessel has a means on the weather deck near the discharge outlet to stop each pump that is used to discharge oily waste; and

(e) The vessel has a stop valve installed for each outlet required by this section.

### § 155.350 Bilge slops on vessels of 100 or more gross tons: Operations other than ocean or coastwise service.

No person may operate a vessel of 100 or more gross tons that is fitted with either main or auxiliary machinery spaces and is not subject to § 155.340, unless—

(a) The vessel has at least one pump installed to discharge oily bilge slops through a fixed piping system;

(b) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or that meets standard B16.5, Steel Pipe Flanges and Flanged Fittings, or B16.31, Nonferrous Pipe Flanges, of the American National Standards Institute for a 4-inch standard flange; and

(d) The vessel has a stop valve installed for each outlet required by this section.

**§ 155.360 Bilge slops on vessels of less than 100 gross tons.**

No person may operate a vessel of less than 100 gross tons unless it has a fixed or portable means to discharge oily bilge slops to a reception facility.

**§ 155.370 Ballast discharge: Vessels of 100 or more gross tons: Ocean or coastwise service.**

No person may operate a U.S. vessel of 100 or more gross tons that is certificated under 46 CFR Ch. I for ocean or coastwise service, or a foreign vessel of 100 or more gross tons, that ballasts fuel tanks or has combined fuel and ballast tanks unless—

(a) The vessel has at least one pump installed to discharge ballast through a fixed piping system;

(b) The piping system required by this section has at least one outlet—

(1) For vessels of 1,600 or more gross tons, on each side of the weather deck; or

(2) For vessels of less than 1,600 gross tons, accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part, or the vessel has at least one portable adapter that meets the specifications in Appendix A of this part and fits the required outlets;

(d) The vessel has a means near the discharge piping on the weather deck to stop each pump that is used to discharge oily ballast; and

(e) The vessel has a stop valve installed for each outlet required by this section.

**§ 155.380 Ballast discharge: Vessels of 100 or more gross tons: Operations other than ocean or coastwise service.**

No person may operate a vessel of 100 or more gross tons that is not subject to § 155.370 and ballast fuel tanks or has combined fuel and ballast tanks unless—

(a) The vessel has at least one pump installed to discharge all oily ballast through a fixed piping system;

(b) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or the vessel has at least one portable adapter that meets the specifications in Appendix A of this part and fits the required outlets; and

(d) The vessel has a stop valve installed for each outlet required by this section.

**§ 155.390 Ballast discharge: Vessels of less than 100 gross tons.**

No person may operate a vessel of less than 100 gross tons that ballasts fuel oil tanks unless it has a fixed or portable means to discharge oily ballast to a reception facility.

**§ 155.400 Exception for all vessels: Oily waste processing equipment.**

Sections 155.340 through 155.390 do not apply to a vessel that has a means acceptable to the Commandant to process oily bilge slops or oily ballast.

**§ 155.410 Exception for tank vessels: Oily waste transfer equipment.**

Section 155.340 through 155.390 do not apply to tank vessels that have a means of transferring oily bilge slops or oily ballast to a cargo tank used for slops. On U.S. vessels, this means must meet the bilge and oil system isolation requirements in 46 CFR 56.50-50(h).

**§ 155.440 Placard.**

(a) A vessel, except a vessel of less than 26 feet in length, must have a placard of at least 5 by 8 inches, made of durable material, fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station, stating the following:

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of $5,000.

(b) Existing stocks of placards may be used for the life of the placard.

(c) The placard required by paragraph (a) or (b) of this section must be printed in a language or languages understood by the crew.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980]

### § 155.470 Prohibited oil spaces.

A self-propelled vessel of 300 or more gross tons must not carry bulk oil or oily waste in any space forward of a collision bulkhead except—

(a) For vessels constructed after June 30, 1974, fuel oil for use on the vessel may be carried in tanks forward of a collision bulkhead, if such tanks are at least 24 inches inboard of the hull structure; or

(b) For vessels constructed before July 1, 1974, fuel oil for use on the vessel may be carried in tanks forward of a collision bulkhead, if such tanks were designated, installed, or constructed for fuel oil carriage before July 1, 1974.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980]

## Subpart C—Oil Transfer Personnel, Procedures, Equipment, and Records

SOURCE: CGD 75-124, 45 CFR 7175, Jan. 31, 1980, unless otherwise noted.

### § 155.700 Designation of person in charge.

The operator, or his agent, of each vessel that has a capacity for 250 or more barrels of oil shall designate the person or persons in charge of each transfer of oil to or from the vessel and of each tank cleaning operation.

(Sec. 311(j)(1) (C) and (D) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1) (C) and (D); E.O. 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71-160R, 37 FR 28256, Dec. 21, 1972]

### § 155.710 Qualifications of person in charge.

(a) No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of oil to or from a vessel or of tank cleaning operations unless—

(1) For oil transfer operations on self-propelled tank vessels, he holds a valid license authorizing service on inspected vessels as a master, mate, pilot, or engineer, except that the person in charge of tank cleaning operations conducted at a tank cleaning facility may be a tankerman certificated for the grade of cargo last carried; or

(2) For tank barges, he holds a valid license authorizing service on inspected vessels as a master, mate, engineer, or is a tankerman certificated for the grade of cargo carried; or

(3) For vessels other than tank vessels that are required by 46 CFR Ch. I to have a licensed officer on board, he holds a valid license as a master, mate, pilot, engineer, or operator; or

(4) For all uninspected vessels of 100 or more gross tons, he has been instructed by the operator in his duties and the Federal Water Pollution laws and regulations that apply to the vessel.

(5) For foreign vessels of the same size and type as those specified in subparagraphs (a) (1), (2), and (3) of this section, he holds a license or certificate authorizing service on that vessel as a master, mate, pilot, engineer, or operator.

(Sec. 311(j)(1) (C) and (D) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1) (C) and (D); E.O. 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71-160R, 37 FR 28256, Dec. 21, 1972]

### § 155.720 Oil transfer procedures.

The operator of a vessel that has a capacity for 250 or more barrels of oil must provide oil transfer procedures that meet the requirements of this part and Part 156 for—

(a) Transfers of oil to or from the vessel; and

(b) Transfers of oil from tank to tank within the vessel.

### § 155.730 Compliance with oil transfer procedures.

The vessel operator of each vessel required by § 155.720 to have oil transfer procedures shall maintain them current and shall require vessel personnel to use the oil transfer procedures for each oil transfer operation.

### § 155.740 Availability of oil transfer procedures.

The oil transfer procedures required by § 155.720 must be—

(a) Available for inspection by the COTP or OCMI whenever the vessel is in operation;

(b) Legibly printed in a language or languages understood by personnel engaged in oil transfer operations; and

(c) Permanently posted or available at a place where the procedures can be easily seen and used by members of the crew when engaged in oil transfer operations.

### § 155.750 Contents of oil transfer procedures.

(a) The oil transfer procedures required by § 155.720 must contain, either in the order listed or by use of a cross-reference index page—

(1) A list of each product transferred to or from the vessel, including the following information:

(i) Generic or chemical name;

(ii) Cargo information as described in § 154.310(a)(5)(ii) of this chapter; and

(iii) Applicability of oil transfer procedures;

(2) A description of each oil transfer system on the vessel including—

(i) A line diagram of the vessel's oil transfer piping, including the location of each valve, pump, control device, vent, and overflow;

(ii) The location of the shutoff valve or other isolation device that separates any bilge or ballast system from the oil transfer system; and

(iii) A description of and procedures for emptying the discharge containment system required by §§ 155.310 and 155.320;

(3) The number of persons required to be on duty during oil transfer operations;

(4) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each oil transfer operation;

(5) Procedures and duty assignments for tending the vessel's moorings during the transfer of oil;

(6) Procedures for operating the emergency shutdown and communications means required by §§ 155.780 and 155.785, respectively;

(7) Procedures for topping off tanks;

(8) Procedures for ensuring that all valves used during the oil transfer operations are closed upon completion of transfer;

(9) Procedures for reporting oil discharges into the water; and

(10) Procedures for closing and opening the vessel openings in § 155.815.

(b) Exemptions or alternatives granted must be placed in the front of the oil transfer procedures.

(c) The vessel operator shall incorporate each amendment to the oil transfer procedures under § 155.760 in the procedures with the related existing requirement, or at the end of the procedures if not related to an existing requirement.

### § 155.760 Amendment of oil transfer procedures.

(a) The COTP or OCMI may require the vessel operator of any vessel that is required to have oil transfer procedures under § 155.720 to amend those procedures if the COTP or OCMI finds that the oil transfer procedures do not meet the requirements of this part.

(b) The COTP or OCMI shall notify the vessel operator in writing of any inadequacies in the oil transfer procedures. The vessel operator may submit written information, views, and arguments on and proposals for amending the procedures within 14 days from the date of the COTP or OCMI notice. After considering all relevant material presented, the COTP or OCMI shall notify the vessel operator of any amendment required or adopted, or the COTP or OCMI may rescind the notice. The amendment becomes effective 30 days after the vessel operator receives the notice, unless the vessel operator petitions the Commandant to review the COTP or OCMI notice, in which case its effective date is delayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing via the COTP or OCMI who issued the requirement to amend.

(c) If the COTP or OCMI finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (b) of this section impractical or contrary to the public interest, he or she may issue an amendment effective on the date the vessel operator receives notice of it. In such a case, the COTP or OCMI includes a brief statement of the reasons for the findings in the notice, and the vessel operator may petition the Commandant, in any manner, to review the amendment. The petition does not postpone the amendment.

### § 155.770 Draining of oil.

No person may intentionally drain oil or oily waste from any source into the bilge of any vessel.

### § 155.780 Emergency shutdown.

(a) A tank vessel with a capacity of 250 or more barrels of cargo oil that is carrying oil must have on board an emergency means to enable a person in charge of an oil transfer operation to stop the flow of oil to a facility, other vessel, or within the vessel.

(b) The means required in paragraph (a) of this section may be a pump control, a quick-acting, power actuated valve, or an operating procedure. If an emergency pump control is used, it must stop the flow of oil if oil could siphon through the stopped pump.

(c) The means required in paragraph (a) of this section must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the oil transfer operation.

### § 155.785 Communications.

(a) During vessel to vessel oil transfers, each tank vessel with a capacity of 250 or more barrels of cargo oil that is carrying oil must have a means that enables continuous two-way voice communication between the persons in charge of the transfer operations on both vessels.

(b) Each vessel must have a means, which may be the communication system itself, that enables a person on board each vessel to effectively indicate his desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather.

(d) Portable radio devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in 46 CFR 110.15-100(i), and meet Class I, Division I, Group D requirements as defined in 46 CFR 111.80.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980; 45 FR 43705, June 30, 1980]

### § 155.790 Deck lighting.

(a) A self-propelled vessel with a capacity of 250 or more barrels of oil that is transferring oil between sunset and sunrise must have deck lighting that adequately illuminates each—

(1) Transfer connection point on the vessel;

(2) Transfer connection point in use on any barge moored to the vessel to or from which oil is being transferred;

(3) Oil transfer operations work area on the vessel; and

(4) Oil transfer operations work area on any barge moored to the vessel to or from which oil is being transferred.

(b) Where the illumination is apparently inadequate the OCMI or COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the deck the illumination must measure at least—

(1) 5.0 foot candles at transfer connection points; and

(2) 1.0 foot candle in oil transfer operations work areas.

(c) Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.

### § 155.800 Oil transfer hose.

Hose used to transfer oil must meet the requirements of § 154.500 of this chapter.

### § 155.805 Closure devices.

(a) Each end of each oil transfer hose on board which is not connected for the transfer of oil must be blanked off with butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP or OCMI.

(b) New, unused hose is exempt from the requirement in paragraph (a) of this section.

### § 155.810 Tank vessel security.

The vessel operator of each tank vessel that contains more oil than the normal clingage and unpumpable bilge or sump residues in any cargo tank shall maintain surveillance of that vessel by using a person who is responsible for the security of the vessel and for keeping unauthorized persons off the vessel.

### § 155.815 Tank vessel integrity.

(a) Except as provided in paragraph (b) of this section, a tank vessel underway or at anchor must have all closure mechanisms on the following openings properly closed:

(1) Expansion trunk hatches;

(2) Ullage openings;

(3) Sounding ports;

(4) Tank cleaning openings; and

(5) Any other tank vessel openings that maintain the seaworthy condition of the tank vessel and prevent the inadvertent release of oil in the event of a tank vessel accident.

(b) No person may open any of the closure mechanisms in paragraph (a) of this section while the tank vessel is underway or at anchor except when authorized and supervised by a licensed officer or the tankerman required by 46 CFR 31.15-5(a).

### § 155.820 Records.

The vessel operator shall keep a written record available for inspection by the COTP or OCMI of—

(a) The name of each person currently designated as a person in charge of oil transfer operations.

(b) The date and result of the most recent test and inspection of each item tested or inspected as required by § 156.170 of this chapter;

(c) The hose information required by § 154.500(e) and (g) of this chapter unless that information is marked on the hose; and

(d) The Declaration of Inspection as required by § 156.150-(f) of this chapter.

### APPENDIX A—SPECIFICATIONS FOR SHORE CONNECTION

[See §§ 340, 350, 370 and 380 of this Part]

| Item | Description | Dimension |
|---|---|---|
| 1 | Outside diameter | 215 mm (8 in) |
| 2 | Inside diameter | According to pipe outside diameter |
| 3 | Bolt circle diameter | 183 mm (7 $^{3}/_{16}$ in) |
| 4 | Slots in flange | 6 holes 22 mm ($^{7}/_{8}$ in) in diameter shall be equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width is to be 22 mm ($^{7}/_{8}$ in) |
| 5 | Flange thickness | 20 mm ($^{3}/_{4}$ in) |
| 6 | Bolts and nuts | 6, each of 20 mm ($^{3}/_{4}$ in) in diameter and of suitable length |

The flange must be of steel having a flat face, with a gasket of oilproof material, and must be suitable for a service pressure of 6 kg/cm 2 (85 p.s.i.)

The steel materials used must meet the material specifications of standard B16.5, Steel Pipe Flanges and Flanged Fittings of the American National Standards Institute. (See § 154.106 of this chapter.)

[CGD 75-124, 45 FR 7176, Jan. 31, 1980]

## PART 156—OIL POLLUTION PREVENTION REGULATIONS FOR OIL TRANSFER OPERATIONS INVOLVING VESSELS

Sec.

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156.105 Definitions.
156.107 Alternatives.
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156.125 Oil discharge cleanup.
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156.150 Declaration of inspection.
156.160 Supervision by person in charge.
156.170 Equipment tests and inspections.

AUTHORITY: 33 U.S.C. 1321(j)(1)(C) and (D); E.O. 11735, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46(m).

SOURCE: CGD 75-124, 45 FR 7177, Jan. 31, 1980, unless otherwise noted.

### § 156.100 Applicability.

This part applies to the transfer of oil on the navigable waters or contiguous zone of the U.S. to, from, or within any vessel and to or from a public vessel with a capacity of 250 or more barrels of that oil, except that this part does not apply to the transfer operation within or on a public vessel.

### § 156.105 Definitions.

The definitions in Part 154 of this chapter apply to this part.

### § 156.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods, or equipment standards to be used by a vessel or facility operator in lieu of any requirements in this part if—

(1) Compliance with the requirement is economically or physically impractical;

(2) The vessel or facility operator submits a written request for the alternative at least 30 days before operations under the alternative are proposed, unless the COTP authorizes a shorter time; and

(3) The alternative provides an equivalent level of safety and protection from pollution by oil, which is documented in the request.

(b) The COTP takes final approval or disapproval action on any alternative requested, in writing, within 30 days of receipt of the request.

### § 156.110 Exemptions.

(a) The Chief, Office of Marine Environment and Systems, acting for the Commandant, grants an exemption or partial exemption from compliance with any requirement in this part if—

(1) The vessel or facility operator submits an application for exemption via the COTP at least 30 days before operations under the exemption are proposed, unless the COTP authorizes a shorter time; and

(2) It is determined, from the application, that—

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of safety and protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption and proposed procedures, methods or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An exemption is granted or denied in writing. The decision of the Chief, Office of Marine Environment and Systems is a final agency action.

### § 156.112 Suspension order.

The COTP or OCMI may issue a suspension order to suspend oil transfer operations to the vessel or facility operator when the COTP or OCMI finds there is a condition requiring action to prevent the discharge or threat of discharge of oil, or when the COTP or OCMI is unable to verify compliance with the regulations through an inspection. A suspension order—

(a) May be effective immediately;

(b) Is issued in writing unless it is effective immediately and then it may be issued orally and followed up in writing;

(c) Includes a statement of each condition requiring action to prevent the discharge of oil; and

(d) Is withdrawn when the COTP, OCMI, or District Commander, as applicable, determines that the condition requiring action to prevent the discharge or threat of discharge of oil has been corrected or no longer exists.

### § 156.113 Compliance with suspension order.

(a) No vessel or facility operator to whom a suspension order has been issued may conduct oil transfer operations from the time the order is effective until that order is withdrawn by the applicable COTP, OCMI, or by the District Commander.

(b) The vessel or facility operator may request reconsideration of the suspension order either orally or in writing to the COTP or OCMI who issued it. The request may contain supporting documentation and evidence that the vessel or facility operator wishes to have considered.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the suspension order was issued. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. The appeal does not stay the effect of the suspension order while the COTP or OCMI ruling is being reviewed. The District Commander issues a ruling after reviewing the appeal.

(d) The ruling by the District Commander is final agency action.

(e) If the delay in presenting a written appeal under paragraph (c) of this section would have a significant adverse impact on the appellant, the appeal may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the District Commander to whom the oral appeal was made, containing, at a minimum the basis for the appeal and a summary of the material presented orally.

### § 156.115 Person in charge: Limitations.

(a) No person may serve as the person in charge of oil transfer operations on more than one vessel at a time during oil transfers between vessels or between two or more vessels and a facility unless authorized by the COTP.

(b) No person may serve as the person in charge of both a vessel and a facility during oil transfer operations unless authorized by the COTP.

### § 156.118 Advance notice of oil transfer.

(a) The COTP may require a facility operator to notify the COTP of the time and place of each oil transfer operation at least 4 hours before it begins for facilities that—

(1) Are mobile;

(2) Are in a remote location;

(3) Have a prior history of oil spills; or

(4) Conduct infrequent oil transfer operations.

(b) In the case of a vessel to vessel transfer, the COTP may require a vessel operator of a lightering or fueling vessel to notify the COTP of the time and place of each oil transfer operation, as specified by the COTP, at least 4 hours before it begins.

(c) No person may conduct such oil transfer operations until advance notice has been given as specified by the COTP.

NOTE: The notification may be accomplished by submitting a written schedule, periodically updated to be current.

### § 156.120 Requirements for oil transfer.

No person may conduct an oil transfer operation unless—

(a) The vessel's moorings are strong enough to hold during all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Oil transfer hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on the hose, loading arm, or oil transfer piping system;

(c) Each hose is supported to prevent kinking or other damage to the hose and strain on its coupling.

(d) Each part of the oil transfer system is aligned to allow the flow of oil;

(e) Each part of the oil transfer system not necessary for the transfer operation is securely blanked or shut off;

(f) The end of each hose and loading arm that is not connected for the transfer of oil is blanked off using the closure devices required by §§ 154.120 and 155.805 of this chapter;

(g) The transfer system is attached to a fixed connection on the vessel and the facility except that when a vessel is receiving fuel, an automatic back pressure shutoff nozzle may be used;

(h) Each overboard discharge or sea suction valve that is connected to the vessel's oil transfer or cargo tank system is sealed or lashed in the closed position; except when used to receive or discharge ballast in compliance with 33 CFR Part 157;

(i) Each oil transfer hose has no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil through the hose material and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement ("reinforcement" means the strength members of the hose, consisting of fabric, cord and/or metal);

(j) Each hose or loading arm in use meets §§ 154.500 and 154.510 of this chapter, respectively;

(k) Each connection meets § 156.130;

(l) Any monitoring devices required by § 154.525 of this chapter are installed and operating properly;

(m) The discharge containment equipment required by § 154.545 of this chapter is readily accessible or deployed as applicable;

(n) The discharge containment required by §§ 154.530, 155.310, and 155.320 of this chapter, as applicable, is in place and periodically drained to provide the required capacity;

(o) Each drain and scupper is closed by the mechanical means required by § 155.310;

(p) All connections in the oil transfer system are leak free except that a component in an oil transfer system, such as the packing glands of a pump, may leak at a rate that does not exceed the capacity of the discharge containment provided during the transfer operation;

(q) The communications required by §§ 154.560 and 155.785 of this chapter are operable for the transfer operation;

(r) The emergency means of shutdown required by §§ 154.550 and 155.780 of this chapter, as applicable, is in position and operable;

(s) There is a person in charge on the transferring vessel or facility and the receiving vessel or facility except as otherwise authorized under § 156.115;

(t) Each person in charge required by paragraph (s) of this section—

(1) Is at the site of the oil transfer operation and immediately available to the oil transfer personnel;

(2) Has in his or her possession a copy of the facility operations manual or vessel oil transfer procedures, as appropriate; and

(3) Conducts the transfer operation in accordance with the facility operations manual or vessel oil transfer procedures, as appropriate;

(u) The personnel required, under the facility operations manual and the vessel oil transfer procedures, to conduct the oil transfer operation—

(1) Are on duty; and

(2) Conduct the transfer operation in accordance with the facility operations manual or vessel oil transfer procedures, as appropriate;

(v) At least one person is at the site of the oil transfer operation who fluently speaks the language or languages spoken by both persons in charge;

(w) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil transfer operations on the receiving vessel or facility have held a conference, to ensure that each person in charge understands the following details of the transfer operation—

(1) The identity of the product to be transferred;

(2) The sequence of transfer operations;

(3) The transfer rate;

(4) The name or title and location of each person participating in the transfer operation;

(5) Details of the transferring and receiving systems;

(6) Critical stages of the transfer operation;

(7) Federal, state, and local rules that apply to the transfer of oil;

(8) Emergency procedures;

(9) Discharge containment procedures;

(10) Discharge reporting procedures;

(11) Watch or shift arrangement;

(12) Transfer shutdown procedures;

(x) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil transfer operations on the receiving vessel or facility agree to begin the transfer operation;

(y) Between sunset and sunrise the lighting required by §§ 154.570 and 155.790 of this chapter is provided; and

(2) For transfer operations between tank barges from sunset to sunrise, lighting is provided as described in § 155.790 of this chapter.

### § 156.125 Oil discharge cleanup.

(a) Each person conducting an oil transfer operation shall stop the transfer operation whenever oil from any source is discharged—

(1) In the transfer operation work area; or

(2) Into the water or upon the adjoining shoreline in the transfer area.

(b) Except as permitted under paragraph (c) of this section, no person may resume an oil transfer operation after it has been stopped under paragraph (a) of this section, unless—

(1) Oil discharged in the oil transfer operation work area is cleaned up; and

(2) Oil discharged into the water or upon the adjoining shoreline is cleaned up, or is contained and being cleaned up.

(c) The COTP may authorize resuming the oil transfer operation if it is deemed appropriate.

### § 156.130 Connection.

(a) Each person who makes a connection for oil transfer operations shall—

(1) Use suitable material in joints and couplings to ensure a leak-free seal;

(2) Use a bolt in at least every other hole, and in no case less than four bolts, in each temporary bolted connection that uses a flange that meets American National Standards Institute (ANSI) standard flange requirements under § 154.500(d)(2) of this chapter;

(3) Use a bolt in each hole in each temporary bolted connection that uses a flange other than one that meets ANSI standards;

(4) Use a bolt in each hole of each permanently connected flange;

(5) Use bolts of the correct size in each bolted connection; and

(6) Tighten each bolt and nut uniformly to distribute the load and sufficiently to ensure a leak free seal.

(b) A person who makes a connection for oil transfer operations must not use any bolt that shows signs of strain or is elongated or deteriorated.

(c) Except as provided in paragraph (d) of this section, no person may use a connection for oil transfer operations unless it is—

(1) A bolted or full threaded connection; or

(2) A quick-connect coupling acceptable to the Commandant.

(d) No person may transfer oil to a vessel that has a fill pipe for which containment cannot practically be provided unless an automatic back pressure shutoff nozzle is used.

### § 156.150 Declaration of inspection.

(a) No person may transfer oil to or from a vessel unless each person in charge, designated under §§ 154.710 and 155.700 of this chapter, has filled out and signed the declaration of inspection form described in paragraph (c) of this section.

(b) No person in charge may sign the declaration of inspection unless he or she has determined by inspection, and indicated by initialling in the appropriate space on the declaration of inspection form, that the facility or vessel, as appropriate, meets § 156.120.

(c) The declaration of inspection may be in any form but must contain at least—

(1) The name or other identification of the transferring vessel or facility and the receiving vessel or facility;

(2) The address of the facility or location of the transfer operation if not at a facility;

(3) The date the transfer operation is started;

(4) A list of the requirements in § 156.120 with spaces on the form following each requirement for the person in charge of the vessel or facility to indicate by initialling that the requirement is met for the transfer operation; and

(5) A space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the transferring vessel or facility and space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the receiving facility or vessel.

(d) The form for the declaration of inspection may incorporate the declaration-of-inspection requirements under 46 CFR 35.35-30.

(e) The vessel and facility persons in charge shall each have a signed copy of the declaration of inspection available for inspection by the COTP during the oil transfer operation.

(f) The operators of each vessel and facility engaged in an oil transfer operation shall retain a signed copy of the declaration of inspection on board the vessel or at the facility for at least 1 month from the date of signature.

### § 156.160 Supervision by person in charge.

(a) No person may connect or disconnect a hose, top off a tank, or engage in any other critical procedures during an oil transfer operation unless the person in charge, required by § 156.120(s), supervises that procedure.

(b) No person may start the flow of oil to or from a vessel unless instructed to do so by either person in charge.

(c) No person may transfer oil to or from a vessel unless each person in charge is in the immediate vicinity and immediately available to the oil transfer personnel.

### § 156.170 Equipment tests and inspections.

(a) Except as provided in paragraph (d) of this section, no person may use any equipment listed in paragraph (c) of this section for oil transfer operations unless the vessel or facility operator, as appropriate, tests and inspects the equipment in accordance with paragraphs (b), (c) and (f) of this section and the equipment is in the condition specified in paragraph (c) of this section.

(b) During any test or inspection required by this section, the entire external surface of the hose must be accessible.

(c) For the purpose of paragraph (a) of this section—

(1) Each nonmetallic oil transfer hose must—

(i) Have no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil through the hose material, and no gouges, cuts or slashes that penetrate the first layer of hose reinforcement, as defined in § 156.120(j).

(ii) Have no external deterioration and, to the extent internal inspection is possible with both ends of the hose open, no internal deterioration;

(iii) Not burst, bulge, leak, or abnormally distort under static liquid pressure at least 1½ times the maximum allowable working pressure; and

(iv) Where a dispute arises under paragraph (c)(1)(i) of this section, be acceptable for use after a hydrostatic test is successfully completed in the presence of the COTP;

(2) Each transfer system relief valve must open at or below the pressure at which it is set to open;

(3) Each pressure gauge must show pressure within 10 percent of the actual pressure;

(4) Each loading arm and each oil transfer pipe system, including each metallic hose, must not leak under static liquid pressure at least 1½ times the maximum allowable working pressure; and

(5) Each item of remote operating or indicating equipment, such as a remotely operated valve, tank level alarm, or emergency shutdown device, must perform its intended function.

(d) No person may use any hose in underwater service for oil transfer operations unless the operator of the vessel or facility has tested and inspected it in accordance with paragraph (c)(1) or (c)(4) of this section, as applicable.

(e) The test fluid used for the testing required by this section is limited to liquids that are compatible with the hose tube as recommended by the hose manufacturer.

(f) The frequency of the tests and inspections required by this section must be—

(1) Annually for facilities; and

(2) Annually or as part of the biennial and mid-period inspections for vessels.

# PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

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AUTHORITY: R.S. 4417a (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46(n)(4), unless otherwise noted.

SOURCE: CGD 74-32, 40 FR 48283, Oct. 14, 1975, unless otherwise noted.

## Subpart A—General

**§ 157.01 Applicability.**

(a) This part applies to each tank vessel of 150 gross tons or more, unless otherwise indicated, that carries crude oil or products in bulk and that is—

(1) Documented under the laws of the United States (U.S. vessel); or

(2) A foreign vessel that—

(i) Transfers cargo at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States.

(b) This part does not apply to the following:

(1) Vessels under Subsections (4) and (5) of Sec. 5, Port and Tanker Safety Act of 1978 (Pub. L. 95-474, 92 Stat. 1480, 46 U.S.C. 391a).

(2) Any foreign vessel not destined for, or departing from, a port or place subject to the jurisdiction of the United States that is in innocent passage through the territorial seas of the United States or in transit through navigable waters of the United States which form a part of an international strait.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43706, June 30, 1980]

**§ 157.03 Definitions.**

As used in this part:

(a) "Length" or "L" means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the water line is measured parallel to the designed waterline.

(b) "Amidships" means the middle of the length.

(c) "Breadth" or "B" means the maximum molded breadth of a vessel in meters.

(d) "Center tank" means any tank inboard of a longitudinal bulkhead.

(e) "Clean ballast" means the ballast in a cargo tank which, if discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(1) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines.

(f) "Combination carrier" means a vessel designed to carry oil or solid cargoes in bulk.

(g) "Deadweight" or "DWT" means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

(h) "Lightweight" means the displacement of a vessel in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

(i) "New Vessel" means—

(1) A U.S. vessel in domestic trade that—

(i) Is constructed under a contract awarded after December 31, 1974;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(iii) Is delivered after December 31, 1977; or

(iv) Has undergone a major conversion for which—

(A) The contract is awarded after December 31, 1974;

(B) In the absence of a contract, conversion is begun after June 30, 1975; or

(C) Conversion is completed after December 31, 1977; and

(2) A foreign vessel or a U.S. vessel in foreign trade that—

(i) Is constructed under a contract awarded after December 31, 1975;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(iii) Is delivered after December 31, 1979; or

(iv) Has undergone a major conversion for which—

(A) The contract is awarded after December 31, 1975;

(B) In the absence of a contract, conversion is begun after June 30, 1976; or

(C) Conversion is completed after December 31, 1979.

(j) "Existing vessel" means any vessel that is not a new vessel.

(k) "Major conversion" means a conversion of an existing vessel that—

(1) Substantially alters the dimensions or carrying capacity of the vessel, except the installation of only segregated ballast tanks, dedicated clean ballast tanks, or a crude oil washing system to meet this part;

(2) Changes the type of vessel; or

(3) Substantially prolongs the vessel's service life.

(l) "From the nearest land" means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(m) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(n) "Oil" includes oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(o) "Oil fuel" means any oil used as fuel for machinery in the vessel in which it is carried.

(p) "Oily mixture" means a mixture with any oil content.

(q) "Permeability of a space" means the ratio of the volume within a space that is assumed to be occupied by water to the total volume of that space.

(r) "Segregated ballast" means the ballast water introduced into a tank that is completely separated from the cargo oil and oil fuel system and that is permanently allocated to the carriage of ballast.

(s) "Slop tank" means a tank specifically designated for the collection of cargo drainings, washings, and other oil mixtures.

(t) "Tank" means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(u) "Tank barge" means a tank vessel not equipped with a means of self-propulsion.

(v) "Tank vessel" means a vessel that is constructed or converted to carry liquid bulk oil cargoes in tanks and includes tankers, tankships, tank barges, integrated tug barges, and combination carriers when carrying oil cargoes in bulk.

(w) "Foreign trade" means any trade that is not domestic trade.

(x) "Wing tank" means a tank that is located adjacent to the side shell plating.

(y) "Tankship" means a tank vessel propelled by mechanical power or sail.

(z) "Domestic trade" means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

(aa) "Cargo tank length" means the length from the collision bulkhead to the forward bulkhead of the machinery spaces.

(bb) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(cc) "Product" means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(dd) "Dedicated clean ballast tank" means a cargo tank that is allocated solely for the carriage of clean ballast.

(ee) "Integrated tug barge" means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

(ff) "Ballast voyage" means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(gg) "Large primary structural member" includes any of the following:

(1) Web frames.

(2) Girders.

(3) Webs.

(4) Main brackets.

(5) Transverses.

(6) Stringers.

(7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than 1/15 of the total depth of the tank.

(hh) "MARPOL Protocol" means the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973*, done at London on February 17, 1978.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 75-201, 41 FR 1482, Jan. 8, 1976; CGD 75-240, 41 FR 54179, Dec. 13, 1976; CGD 77-058b, 45 FR 43706, June 30, 1980]

### § 157.05 Performing calculations for this part.

In this part, unless the context requires otherwise—

(a) Formulas are in the International System of Units (SI);

(b) Values used in those formulas must be in the International System of Units; and

(c) Forward and after perpendiculars are located at the forward end and at the after end of the length. The forward perpendicular coincides with the foreside of the stem on the waterline on which the length of the vessel is measured.

### § 157.06 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the action was taken. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the District Commander may stay the effect of the action being appealed while the ruling is being reviewed. The District Commander issues a ruling after reviewing the appeal submitted under this paragraph.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Chief, Office of Merchant Marine Safety, U.S. Coast Guard, Washington, D.C. 20593. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the Chief, Office of Merchant Marine Safety may stay the effect of the action being appealed while the ruling is being reviewed. The Chief, Office of Merchant Marine Safety issues a ruling after reviewing the appeal submitted under this paragraph.

(d) Any decision made by the Chief, Office of Merchant Marine Safety under the procedure contained in paragraph (c) of this section is final agency action.

(e) If the delay in presenting a written appeal would have a significant adverse impact on the appellant, the appeal under paragraph (b) or (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the oral presentation was made. The written appeal must contain, at a minimum the basis for the appeal and a summary of the material presented orally.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43706, June 30, 1980]

### § 157.07 Equivalents.

The Coast Guard may accept an equivalent, in accordance with the procedure in 46 CFR 30.15-1, of a design or an equipment to fulfill a requirement in this part except an operational method may not be substituted for a design or equipment requirement.

## Subpart B—Design, Equipment, and Installation

### § 157.08 Applicability of Subpart B.

This subpart applies to vessels under this part that are seagoing, except as follows:

(a) Section 157.21 also applies to vessels under this part on voyages on the Great Lakes.

(b) Sections 157.11, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt.

(c) Sections 157.11, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while proceeding en route.

(d) Sections 157.19 and 157.21 do not apply to a tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise route if the barge is constructed and certificated primarily for service on an inland route.

(e) Section 157.09(d) does not apply to any—

(1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(f) Sections 157.09 and 157.10a do not apply to a new vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

(g) Sections 157.09(b)(3), 157.10(c)(3), and 157.10a(d)(3) do not apply to tank barges.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 75-240, 41 FR 54179, Dec. 13, 1976, as amended by CGD 77-058b, 45 FR 43707, June 30, 1980]

### § 157.09 Segregated ballast.

(a) A new vessel of 70,000 tons DWT or more must have segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in paragraph (b) of this section without recourse to the use of oil tanks for water ballast.

(b) In any ballast condition during any part of a voyage, including that of lightweight with only segregated ballast, the vessel's drafts and trim must have the capability of meeting each of the following requirements:

(1) The molded draft amidship (dm) in meters without taking into account vessel deformation must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship as specified in paragraph (b)(1) of this section, in association with the trim by the stern of no more than 0.015L.

(3) The minimum allowable draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(c) The vessel may be designed to carry ballast water in cargo tanks during the condition described in § 157.35.

(d) Segregated ballast spaces, voids, and other noncargo-carrying spaces for a vessel of conventional form must be distributed—

(1) So that the mathematical average of the hypothetical collision ($O_c$) and the hypothetical stranding ($O_s$) outflows as determined by the application of the procedures in § 157.19 and Appendix B is 80 percent or less of the maximum allowable outflow ($O_A$) as determined by § 157.19(b)(1); and

(2) To protect at least 45 percent of the sum of the side and bottom shell areas, based upon projected molded dimensions, within the cargo tank length. When the vessel design configuration does not provide for the spaces to be distributed to protect at least 45 percent of the side and bottom shell areas, the spaces must be distributed so that the mathematical average of the hypothetical collision ($O_c$) and the hypothetical stranding ($O_s$) outflows, determined by application of the procedures in § 157.19 and Appendix B, is a further 2 percent less than the maximum allowable outflow ($O_A$) for each 1 percent by which the shell area protection coverage required is not achieved.

(e) A ballast space, void or other non-cargo-carrying space used to meet requirements in paragraph (d) of this section must separate the cargo tank boundaries from the shell plating of the vessel by at least 2 meters.

(f) A vessel of conventional form for application of this section has—

(1) A block coefficient of .80 or greater,

(2) A length to depth ratio between 12 and 16, and

(3) A breadth to depth ratio between 1.5 and 3.5.

(g) Segregated ballast spaces, voids, and other noncargo-carrying spaces for a vessel not of conventional form must be distributed in a configuration acceptable to the Coast Guard.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 74-32, 40 FR 49328, Oct. 22, 1975; CGD 75-201, 41 FR 1482, Jan. 8, 1976]

### § 157.10 Protective location of segregated ballast tanks and crude oil washing systems for certain new vessels.

(a) This section applies to a new vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

(b) Each tank vessel under this section of 20,000 DWT or more that carries crude oil and of 30,000 DWT or more that carries products must have segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in paragraph (c) of this section without recourse to the use of cargo tanks for water ballast.

(c) In any ballast condition during any part of a voyage, including that of lightweight with only segregated ballast, each tank vessel under paragraph (b) of this section must have the capability of meeting each of the following:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm \quad 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (c)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(d) Segregated ballast tanks under paragraph (b) of this section, voids, and other spaces that do not carry cargo which are within the cargo tank length must be distributed as determined under the procedure contained in Appendix C of this part.

(e) Each tank vessel under this section of 20,000 DWT or more that carries crude oil must have a crude oil washing system that meets the design, equipment, and installation requirements in Subpart D of this part.

(f) Each tank vessel under this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43707, June 30, 1980]

### § 157.10a Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing vessels.

(a) Not later than June 1, 1981, except as allowed in paragraph (b) of this section, an existing vessel of 40,000 DWT or more that carries crude oil and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries crude oil must have—

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) A crude oil washing system that meets the design, equipment, and installation requirements of Subpart D of this part.

(b) Each tank vessel under paragraph (a) of this section does not have to meet the requirements of paragraph (a) of this section until June 1, 1983, for an existing vessel of 70,000 DWT or more, or until June 1, 1985, for a new or existing vessel of 40,000 DWT or more but less than 70,000 DWT, if the vessel—

(1) Has dedicated clean ballast tanks with the total capacity to meet the draft and trim requirements under paragraph (d) of this section; and

(2) Meets the design and equipment requirements under Subpart E of this part.

(c) Not later than June 1, 1981, an existing vessel of 40,000 DWT or more that carries products and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries products must have—

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) Dedicated clean ballast tanks that have a total capacity to meet the draft and trim requirements in paragraph (d) of this section and that meet the design and equipment requirements under Subpart E of this part.

(d) In any ballast condition during any part of a voyage, including that of lightweight with either segregated ballast in segregated ballast tanks or clean ballast in dedicated clean ballast tanks, each tank vessel under paragraph (a)(1), (b), or (c) of this section must have the capability of meeting each of the following without recourse to the use of cargo tanks for water ballast:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (d)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(e) Each tank vessel that meets paragraph (a)(1), (b), or (c) of this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

NOTE: Segregated ballast tanks located in wing tanks provide protection against oil outflow in the event of a collision, ramming, or grounding.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43707, June 30, 1980]

### § 157.11 Pumping, piping, and discharge arrangements.

(a) Each tank vessel must have a fixed piping system arranged for the—

(1) Transfer of dirty ballast residue and tank washings from each cargo tank to a slop tank;

(2) Discharge to the sea under § 157.37; and

(3) Discharge in a port or at an offshore terminal under § 157.43.

(b) Each tank vessel must have the fixed piping system arranged to, for discharges under paragraph (a)(2) of this section, terminate above the weather deck or on the vessel's side above the waterline of the deepest ballast condition.

(c) Each tank vessel must have a cargo or ballast discharge manifold that—

(1) Is located on the weather deck;

(2) Terminates on each side of the vessel; and

(3) Is connected to the piping system required in paragraph (a)(1) of this section for the transfer to a reception facility of oily mixtures that cannot be discharged under §§ 157.37 or 157.43.

(d) Each tank vessel under §§ 157.09 or 157.10a that carries crude oil must have—

(1) Equipment that drains each cargo pump and oil piping line of oil residue;

(2) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or a slop tank; and

(3) An oil piping line that meets paragraph (f) of this section and is connected to the cargo discharge piping on the outboard side of the manifold valves for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

(e) Each tank vessel under § 157.10 must have—

(1) Oil piping lines that are designed and installed to minimize oil retention in those lines;

(2) Equipment that drains each cargo pump and oil piping line of oil residue;

(3) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or slop tank; and

(4) An oil piping line that meets paragraph (f) of this section and is connected to the cargo discharge piping on the outboard side of the manifold valves for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

(f) Each oil piping line under paragraph (d)(3) or (e)(4) of this section must have a cross-sectional area of 10 percent or less of the cross-sectional area of the main cargo discharge piping line, except if the oil piping line under paragraph (d)(3) of this section is installed before January 1, 1980, that piping line may have a cross-sectional area of 25 percent or less of the cross-sectional area of the main cargo discharge piping line.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 80-78, 45 FR 43704, June 30, 1980; CGD 77-058b, 45 FR 43708, June 30, 1980]

EFFECTIVE DATE NOTE: At 45 FR 43708, June 30, 1980, §157.11(d), (e), and (f) were added, effective June 1, 1981.

### § 157.13 Designated observation area.

A new vessel must have a designated observation area on the weather deck or above that is—

(a) Located so that the effluent from the pipeline terminations required in § 157.11(a) and the manifold required in § 157.11(c) may be visually observed; and

(b) Equipped with—

(1) A means to directly stop the discharge of effluent into the sea; or

(2) A positive communication system, such as a telephone or a radio, between the observation area and the discharge control position.

### § 157.15 Slop tanks in tank vessels.

(a) *Number.* A tank vessel must have the following number of slop tanks that comply with the requirements of this section:

(1) A new vessel of less than 70,000 tons DWT and an existing vessel must have at least one slop tank.

(2) A new vessel of 70,000 tons DWT or more must have at least two slop tanks.

(b) *Capacity.* Slop tanks must have the total capacity to retain slops from tank washings, oil residues, and dirty ballast residues of three percent or more of the oil carrying capacity, except two percent capacity is allowed if there are—

(1) Segregated ballast tanks that meet the requirements in §§ 157.09, 157.10, or 157.10a; or

(2) No eductors arrangements that use water in addition to the washing water.

(c) *Design.* A slop tank required in this section—

(1) Must minimize turbulence, entrainment of oil, and the creation of an emulsion by the use of separate inlet and outlet connections; and

(2) May carry bulk oil when not being used as a slop tank.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 75-240, 41 FR 54180, Dec. 13, 1976; CGD 80-78, 45 FR 43704, June 30, 1980; CGD 77-058b, 45 FR 43708, June 30, 1980]

### § 157.17 Oily residue tank.

(a) A tank vessel of 400 gross tons or more must have a tank that receives and holds oily residue resulting from purification of fuel and lubricating oil and from oil leakages in machinery spaces.

(b) Each oily residue tank required in paragraph (a) of this section must have an adequate capacity that is determined by the—

(1) Type of machinery installed on the vessel; and

(2) Maximum fuel oil capacity.

(c) Each oily residue tank on a new vessel must be designed to facilitate—

(1) Cleaning; and

(2) Discharging to a reception facility.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 80-78, 45 FR 43704, June 30, 1980]

### § 157.19 Cargo tank arrangement and size.

(a) This section applies to—

(1) A U.S. or foreign vessel that is delivered after January 1, 1977;

(2) A U.S. vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972; and

(3) A foreign vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1974, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1974.

(b) As determined in accordance with the procedures contained in Appendix A of this part, each cargo tank must be of such size and arrangement that—

(1) The hypothetical outflow for side damage ($O_c$) or for bottom damage ($O_s$) anywhere within the length of the vessel must not exceed $O_A$ (30,000 cubic meters or $400\sqrt[3]{}$

DWT, whichever is greater, limited to a maximum of 40,000 cubic meters);

(2) The volume of each wing tank and center tank is less than the allowable volume of a wing tank ($VOL_w$) and the allowable volume of a center tank ($VOL_c$) respectively; and

(3) The length of a tank is less than the allowable length of a tank ($l_a$).

(c) If a cargo transfer system interconnects two or more cargo tanks, the system must have valves to segregate the tanks from each other.

(d) If a line of piping that runs through a cargo tank in a position less than $t_c$ from the vessel's side or less than $v_s$ from the vessel's bottom, as defined in Appendix A of this part, has a branch, that branch must have a valve within each cargo tank into which the branch opens.

(e) If piping that serves suction wells is installed within a double bottom, that piping must be—

(1) Fitted with valves located at the point of connection to the tank served to prevent oil outflow in the event of damage to the piping; and

(2) Designed to be installed as high from the bottom shell as possible.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 75-240, 41 FR 54180, Dec. 13, 1976]

Cross Reference: See 33 CFR 151.50 (39 FR 30125) for an interpretative rule concerning tank arrangement and size limitations applicable to seagoing tank barges.

### § 157.21 Subdivision and stability.

A new vessel that is a U.S. vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damages, as defined in Appendix B of this Part. A U.S. vessel that meets the requirements in this section is considered by the Coast Guard as meeting 46 CFR 42.20-5.

(a) The final waterline, taking into account sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or any opening that is closed by means of a weathertight door or hatch cover. This opening does not include an opening closed by a—

(1) Watertight manhole cover;

(2) Flush scuttle;

(3) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(4) Remotely operated watertight sliding door; or

(5) Side scuttle of the non-opening type.

(b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding must not exceed 25 degrees, except that this angle may be increased to 30 degrees if no deck edge immersion occurs.

(c) For acceptable stability in the final stage of flooding, the righting lever curve must have a range of at least 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 meter. For the calculations required in this section, weathertight openings or openings fitted with automatic closures (e.g., a vent fitted with a ball check valve), need not be considered as points of downflooding within the range of residual stability, but other openings must be accounted for in the calculation.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 75-240, 41 FR 54180, Dec. 13, 1976]

### § 157.23 Cargo and ballast system information.

(a) Each tank vessel to which this part applies must have an instruction manual that describes the automatic and manual operation of the cargo and ballast system in the vessel.

(b) The format and information contained in the instruction manual required in paragraph (a) of this section must be similar to the manual entitled "Clean Seas Guide for Oil Tankers" which can be obtained from the International Chamber of Shipping, 30-32 St. Mary Axe, London, England, EC3A 8ET.

### § 157.24 Submission of calculations, plans, and specifications.

The owner, builder, or designer of a new vessel shall submit the following to the Coast Guard before that vessel enters the navigable waters of the United States:

(a) Calculations to substantiate compliance with the tank arrangement and size requirements under § 157.19, or a letter from the government of the vessel's flag state that certifies compliance with—

(1) Section 157.19; or

(2) Regulations 24 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973.

(b) Except for a new vessel that is a foreign vessel, calculations to substantiate compliance with subdivisions and damage stability requirements under § 157.21.

(c) Calculations to substantiate compliance with the segregated ballast capacity and distribution requirements in §§ 157.09, 157.10, or 157.10a or a letter from the government of the vessel's flag state certifying that the vessel complies with the segregated ballast capacity and distribution requirements in—

(1) Sections 157.09, 157.10, or 157.10a; or

(2) Regulation 13 and 13E of the MARPOL Protocol.

(d) Plans and specifications for the vessel that include—

(1) Design characteristics;

(2) A lines plan;

(3) Curves of form (hydrostatic curves) or hydrostatic tables;

(4) A general arrangement plan of each deck and level;

(5) Inboard and outboard profile plans showing oiltight and watertight bulkheads;

(6) A midship section plan;

(7) A capacity plan showing the capacity and the vertical and longitudinal centers of gravity of each cargo space, tank, and similar space;

(8) Tank sounding tables or tank capacity tables;

(9) Draft mark locations;

(10) Detailed plans of watertight doors; and

(11) Detailed plans of vents.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 75-240, 41 FR 54180, Dec. 13, 1976, as amended by CGD 77-058b, 45 FR 43708, June 30, 1980]

## Subpart C—Vessel Operation

### § 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, 157.37(a)(6), and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.

(b) Sections 157.35, 157.37, except paragraph (a)(6), §§ 157.39, 157.45, and 157.47 do not apply to foreign vessels.

[CGD 75-240, 41 FR 54180, Dec. 13, 1976]

### § 157.26 Operation of a tank vessel in violation of regulations.

No person may cause or authorize the operation of a tank vessel in violation of the regulations in this part.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43708, June 30, 1980]

### § 157.27 Discharges: Tank vessels carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing tank vessels of less than 150 gross tons.

Unless a tank vessel carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, or a seagoing tank vessel of less than 150 gross tons discharges clean ballast or segregated ballast, the vessel must—

(a) Retain on board any oily mixture; or

(b) Transfer an oily mixture to a reception facility.

### § 157.28 Discharges from tank barges exempted from certain design requirements.

The person in charge of a tank barge exempted under § 157.08(a)(2) from the requirements in §§ 157.11, 157.13, 157.15, and 157.23 shall ensure that while the barge is proceeding en route—

(a) Cargo tanks are not ballasted or washed; and

(b) Oil or oily mixtures are not discharged.

### § 157.29 Discharges: Seagoing tank vessels of 150 gross tons or more.

Unless a seagoing tank vessel of 150 gross tons or more discharges an oily mixture in compliance with the requirements in §§ 157.37, 157.39, or 157.43, the vessel must—

(a) Retain the mixture; or

(b) Transfer the mixture to a reception facility.

### § 157.31 Discharges: Chemical additives.

No person may use a chemical additive to circumvent the discharge requirements in §§ 157.27, 157.29, 157.37, 157.39, and 157.43.

### § 157.33 Water ballast in oil fuel tanks.

A new vessel may not carry ballast water in an oil fuel tank.

### § 157.35 Ballast added to cargo tanks.

The master of a tank vessel that meets §§ 157.09, 157.10, 157.10a(a)(1), 157.10a(b), or 157.10a(c) shall ensure that ballast water is carried in a cargo tank only if—

(a) The vessel encounters abnormally severe weather conditions;

(b) More ballast water than can be carried in segregated ballast tanks or dedicated clean ballast tanks is necessary for the safety of the vessel;

(c) The ballast water is processed and discharged in compliance with § 157.37; and

(d) On a new vessel under § 157.10 that carries crude oil, the ballast water is only carried in a cargo tank that is crude oil washed in accordance with Subpart D of this part during or after the most recent discharge of crude oil from that tank.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43708, June 30, 1980]

### § 157.37 Discharge of cargo residue.

(a) Except as required in paragraph (b) of this section, a tank vessel may discharge into the sea an oily mixture from a cargo tank and cargo pump room bilge if the vessel—

(1) Is more than 50 nautical miles from the nearest land;

(2) Is proceeding en route;

(3) Is discharging at an instantaneous rate of oil content not exceeding 60 liters per nautical mile;

(4) Is an existing vessel and the total quantity of oil discharged into the sea does not exceed 1/15,000 of the total quantity of the cargo that the discharge formed a part, or is a new vessel and the total quantity of oil discharged into the sea does not exceed 1/30,000 of the total quantity of the cargo that the discharge formed a part;

(5) Discharges above the waterline through the piping required in § 157.11(a); and

(6) Has in operation an automatic oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed), except that system may be operated manually if—

(i) The automatic system fails during a ballast voyage;

(ii) The failure is recorded in the Oil Record Book;

(iii) The master ensures that the discharge is constantly monitored visually and promptly terminated when oil is detected in the discharge; and

(iv) The system is operated manually only until the ballast voyage is completed.

(b) A tank vessel that carries asphalt exclusively must transfer cargo residues and tank washings to a reception facility.

### § 157.39 Machinery space bilges.

(a) A tank vessel may discharge an oily mixture from a machinery space bilge that is combined with an oil cargo mixture if the vessel discharges in compliance with § 157.37.

(b) A tank vessel may discharge an oily mixture from a machinery space bilge that is not combined with an oil cargo mixture if the vessel—

(1) Is more than 12 nautical miles from the nearest land;

(2) Is proceeding en route;

(3) Is discharging an effluent with an oil content of less than 100 parts per million; and

(4) Has in operation an oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed) and oil water separating equipment approved by the Coast Guard (specification regulation to be proposed).

### § 157.41 Emergencies.

Sections 157.27, 157.29, 157.37, and 157.39 do not apply to a tank vessel that discharges into the sea oil or oily mixtures—

(a) For the purpose of securing the safety of the vessel or for saving life at sea; or

(b) As a result of damage to the vessel or its equipment if—

(1) Reasonable precautions are taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(2) The owner, master or person in charge did not intend to cause damage, or did not act recklessly and with knowledge that damage of the environment would probably result.

### § 157.43 Discharges: Clean and segregated ballast.

(a) Clean ballast may be discharged in accordance with § 157.37(a)(6).

(b) The master of a vessel under this part shall ensure that segregated ballast is not discharged unless he finds no oily mixture in the ballast after—

(1) Visually examining the top of the ballast contents of each tank; or

(2) Testing the ballast contents of each tank with an oil/water interface detector.

[CGD 75-240, 41 FR 54180, Dec. 13, 1976]

### § 157.45 Valves in cargo or ballast piping system.

When a tank vessel is at sea and the tanks contain oil, valves and closing devices in the cargo or ballast piping system or in the transfer system must be kept closed except they may be opened for cargo or ballast transfer to trim the vessel.

### § 157.47 Information for master.

A master or person in charge of a new vessel shall operate the vessel in accordance with the information required in 46 CFR 31.10-30(d) that includes the following:

(a) Stability information.

(b) Damage stability information determined in accordance with the criteria contained in Appendix B of this part.

(c) Loading and distribution of cargo information determined in compliance with the damage stability criteria required in Appendix B of this part.

[CGD 74-32, 40 FR 48283, Oct. 14, 1976, as amended by CGD 75-240, 41 FR 54180, Dec. 13, 1976]

### § 157.49 Instruction manual.

The master of a tank vessel shall ensure that the instruction manual under § 157.23 is available and used when the cargo or ballast systems are operated.

## Subpart D—Crude Oil Washing (COW) System on Tank Vessels

AUTHORITY: Sec. 5, Port and Tanker Safety Act of 1978, 92 Stat. 1480 (46 U.S.C. 391a); 49 CFR 1.46(r)(4).

SOURCE: CGD 77-058b, 45 FR 43709, June 30, 1980, unless otherwise noted.

### GENERAL

### § 157.100 Plans for U. S. tank vessels: Submission.

(a) Before each U. S. tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) is inspected under § 157.140, the owner or operator of that vessel must submit to the Coast Guard plans that include—

(1) A drawing or diagram of the COW pumping and piping system that meets 46 CFR 56.01-10(d);

(2) The design of each COW machine;

(3) The arrangement, location, and installation of the COW machines; and

(4) Except as allowed in § 157.104, the projected direct impingement pattern of crude oil from the nozzles of the COW machines on the surfaces of each tank, showing the surface areas not reached by direct impingement.

(b) Plans under paragraph (a) of this section must be submitted to the Officer in Charge, Marine Inspection, of the zone in which the COW system is installed or to one of the following Coast Guard field technical offices:

(1) Commander, 3rd Coast Guard District (mmt), Governors Island, New York, N. Y. 10004, if the COW system is installed in the area under the 1st or 3rd Coast Guard Districts.

(2) Commander, 5th Coast Guard District (mmt), 431 Crawford Street, Portsmouth, Virginia 23705, if the COW system is installed in the area

under the 5th or 7th Coast Guard Districts.

(3) Commander, 8th Coast Guard District (mmt), 500 Camp Street, Hale Boggs Federal Building, New Orleans, Louisiana 70130, if the COW system is installed in the area under the 2nd or 8th Coast Guard Districts.

(4) Commander, 9th Coast Guard District (mmt), 601 Rockwell Ave., Cleveland, Ohio 44114, if the COW system is installed in the area under the 9th Coast Guard District.

(5) Commander, 12th Coast Guard District (mmt), 630 Sansome Street, San Francisco, California 94126, if the COW system is installed in the area under the 11th, 12th, 13th, 14th, or 17th Coast Guard Districts.

### § 157.102 Plans for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) desires the letter from the Coast Guard under § 157.106 accepting the plans submitted under this paragraph, the owner or operator must submit to the Commandant (G-MMT), U. S. Coast Guard, Washington, D. C. 20593, plans that include—

(a) A drawing or diagram of the COW pumping and piping system that meets 46 CFR 56.01-10(d);

(b) The design of each COW machine;

(c) The arrangement, location, and installation of the COW machines; and

(d) Except as allowed in § 157.104, the projected direct impingement pattern of crude oil from the nozzles of the COW machines on the surfaces of each tank, showing the surface areas not reached by direct impingement.

### § 157.104 Scale models.

If the pattern under §§ 157.100(a)(4) or 157.102(d) cannot be shown on a plan, a scale model of each tank must be built for Coast Guard inspection to simulate, by a pinpoint of light, the projected direct impingement pattern on the surfaces of the tank.

### § 157.106 Letter of acceptance.

The Coast Guard informs the submitter by letter that the plans submitted under §§ 157.100 or 157.102 are accepted if—

(a) The plans submitted show that the COW system meets this subpart; or

(b) The plans submitted and the scale model under § 157.104 show that the COW system meets this subpart.

### § 157.108 Crude Oil Washing Operations and Equipment Manual for U.S. tank vessels: Submission.

Before each U.S. tank vessel under § 157.10(e) or having a COW system under § 157.10(a)(2) is inspected under § 157.140, the owner or operator of that vessel must submit two copies of a *Crude Oil Washing Operations and Equipment Manual* that meets § 157.138 to the Officer in Charge, Marine Inspection, of the zone in which the COW system is installed or to the appropriate Coast Guard field technical office listed in § 157.100(b).

### § 157.110 Crude Oil Washing Operations and Equipment Manual for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) desires a Coast Guard approved *Crude Oil Washing Operations and Equipment Manual* under § 157.112, the owner or operator must submit two copies of a manual that meets § 157.138 to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20593.

### § 157.112 Approved Crude Oil Washing Operations and Equipment Manual.

If the manuals submitted under §§ 157.108 or 157.110 meet 157.138, the Coast Guard approves the manuals and forwards one of the approved manuals to the submitter.

### § 157.114 Crude Oil Washing Operations and Equipment Manual: Not approved.

If the manuals submitted under §§ 157.108 or 157.110 are not approved, the Coast Guard forwards a letter to the submitter with the reasons why the manuals were not approved.

### § 157.116 Required documents: U.S. tank vessels.

On and after June 1, 1981, the owner, operator, and master of a U.S. tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board—

(a) The letter under § 157.106 accepting the COW system plans;

(b) The letter of acceptance under § 157.142 after passing the inspections under § 157.140;

(c) The Coast Guard approved *Crude Oil Washing Operations and Equipment Manual* under § 157.112; and

(d) Any amending letters issued under § 157.158 approving changed characteristics.

### § 157.118 Required documents: Foreign tank vessels.

On and after June 1, 1981, the owner, operator, and master of a foreign tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(a) *A Crude Oil Washing Operations and Equipment Manual* that—

(1) Is approved under § 157.112; or

(2) Meets the manual standards in Resolution 15 of the MARPOL Protocol and is approved by the government of the vessel's flag state; and

(b) Evidence of acceptance of the tank vessel's COW system consisting of—

(1) A document from the government of the vessel's flag state that certifies the vessel's compliance with Resolution 15 of the MARPOL Protocol; or

(2) The following letters issued by the Coast Guard:

(i) The letter under § 157.106 accepting the COW system plans.

(ii) The letter of acceptance under § 157.142 after passing the inspections under § 157.140.

(iii) Any amending letters issued under § 157.158 approving changed characteristics.

### § 157.120 Waiver of required documents.

The Coast Guard waives the requirement for the letter under § 157.116(b), if a U.S. tank vessel engages in a voyage, or under § 157.118(b)(2)(ii), if a foreign tank vessel enters the navigable waters of the United States or transfers cargo at a port or place subject to the jurisdiction of the United States, for the purpose of being inspected under § 157.140.

## DESIGN, EQUIPMENT, AND INSTALLATION

### § 157.122 Piping, valves, and fittings.

(a) Except as allowed in paragraph (o) of this section, the piping, valves, and fittings of each COW system must—

(1) Meet 46 CFR Part 56; and

(2) Be of steel or an equivalent material accepted by the Commandant.

(b) The piping of each COW system must be permanently installed.

(c) The piping of each COW system must be separate from other piping systems on the vessel, except that the vessel's cargo piping may be a part of the COW piping if the cargo piping meets this section.

(d) The piping of each COW system must have overpressure relief valves or other means accepted by the Commandant to prevent overpressure in the piping of the COW system, unless the maximum allowable working pressure of that system is greater than the shut-off head of each pump that meets § 157.126(b).

(e) Each overpressure relief valve must discharge into the suction side of a pump that meets § 157.126(b).

(f) The piping and equipment of a COW system may not be in machinery spaces.

(g) Each hydrant valve for water washing in the piping of a COW system must—

(1) Have adequate strength to meet 46 CFR Part 56 for the working pressure for which the system is designed; and

(2) Be capable of being blanked off.

(h) Each sensing instrument must have an isolating valve at its connection to the piping of the COW system, unless the opening to that connection is 0.055 inches (1.4 millimeters) or smaller.

(i) If the washing system for cargo tanks has a steam heater used when water washing, it must be located outside the engine room and must be capable of being isolated from the piping of the COW system by—

(1) At least two shut-off valves in the inlet piping and at least two shut-off valves in the outlet piping; or

(2) Blank flanges identifiable as being closed (e.g., spectacle flanges).

(j) If the COW system has a common piping system for oil washing and water washing, that piping system must be designed to drain the crude oil into a slop tank or a cargo tank.

(k) The piping of a COW system must be securely attached to the tank vessel's structure with pipe anchors.

(l) When COW machines are used as pipe anchors, there must be other means available for anchoring the piping if these machines are removed.

(m) There must be a means to allow movement of the COW system piping as a result of thermal expansion and flexing of the tank vessel.

(n) The supply piping attached to each deck mounted COW machine and each COW machine that is audio inspected under § 157.155(a)(4)(ii) must have a shut-off valve.

(o) On combination carriers, piping of the COW system installed between each COW machine located in a cargo tank hatch cover and an adjacent location just outside the hatch coaming, may be flexible hose with flanged connections that is acceptable by the Commandant.

### § 157.124 COW tank washing machines.

(a) COW machines must be permanently mounted in each cargo tank.

(b) The COW machines in each tank must have sufficient nozzles with the proper diameter, working pressure, movement, and timing to allow the tank vessel to pass the inspections under § 157.140.

(c) Each COW machine and its supply piping must be supported to withstand vibration and pressure surges.

(d) There must be one portable drive unit available on board the vessel for every three COW machines that use portable drive units during COW operations required by § 157.160 before each ballast voyage.

(e) Except as allowed in paragraph (f) of this section, each cargo tank must have COW machines located to wash all horizontal and vertical areas of the tank by direct impingement, jet deflection, or splashing to allow the tank vessel to pass the inspections under § 157.140. The following areas in each tank must not be shielded from direct impingement by large primary structural members or any other structural member determined to be equivalent to a large primary structural member by the Commandant when reviewing the plans submitted under §§ 157.100 or 157.102:

(1) 90 percent or more of the total horizontal area of the—

(i) Tank bottom;

(ii) Upper surfaces of large primary structural members; and

(iii) Upper surfaces of any other structural member determined to be equivalent to a large primary structural member by the Commandant.

(2) 85 percent or more of the total vertical area of the tank sides and swash bulkheads.

(f) Each cargo tank on a tank vessel having a COW system under § 157.10a(a)(2) with complicated internal structural members does not have to meet paragraph (e) of this section if the following areas of all the cargo tanks of that vessel are washed by direct impingement and the tank vessel can pass the inspections under § 157.140:

(1) 90 percent or more of the total horizontal area of all the—

(i) Tank bottoms;

(ii) Upper surfaces of large primary structural members; and

(iii) Upper surfaces of any other structural member determined to be equivalent to a large primary structural member by the Commandant.

(2) 85 percent or more of the total vertical area of all the tank sides and swash bulkheads.

(g) Each single nozzle COW machine that is mounted to the deck must have a means located outside of the cargo tank that indicates the arc and rotation of the movement of the COW machine during COW operations.

(h) Each multi-nozzle COW machine that is mounted to the deck must have a means located outside of the cargo tank that indicates the movement of the COW machine during COW operations.

(i) Each COW machine mounted to or close to the bottom of a tank without a means located outside of the cargo tank that indicates movement of the machine must not be programmable.

NOTES: 1. In the calculations to meet § 157.124 (e) or (f), areas that are shielded from direct impingement by structural members other than large primary structural members or swash bulkheads can be calculated as areas being washed by direct impingement.

2. One or more types of COW machines could be used to meet § 157.124 (e) or (f).

### § 157.126 Pumps.

(a) Crude oil must be supplied to the COW machines by COW system pumps or cargo pumps.

(b) The pumps under paragraph (a) of this section must be designed and arranged with sufficient capacity to meet the following:

(1) A sufficient pressure and flow is supplied to allow the simultaneous operation of those COW machines designed to operate simultaneously.

(2) If an eductor is used for tank stripping, enough driving fluid is provided by the pumps to allow the eductor to meet § 157.128(a).

(c) There must be means on the tank vessel to maintain the pressure under paragraph (b) of this section when shore terminal back pressure is less than the pressure under paragraph (b) of this section.

(d) The COW system must have two or more pumps that are capable of supplying oil to the COW machines.

(e) The COW system must be designed to meet the requirements of this subpart with any one pump not operating.

### § 157.128 Stripping system.

(a) Each tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) must have a stripping system that is designed to remove crude oil from—

(1) Each cargo tank at 1.25 times the rate at which all the COW machines that are designed to simultaneously wash the bottom of the tank, are operating; and

(2) The bottom of each tank to allow the tank vessel to pass the inspection under § 157.140(a)(2).

(b) Each cargo tank must be designed to allow the level of crude oil in the tank to be determined by—

(1) Hand dipping at the aftermost portion of the tank and three other locations; or

(2) Any other means accepted by the Commandant.

(c) Each stripping system must have at least one of the following devices for stripping oil from each cargo tank:

(1) A positive displacement pump.

(2) A self-priming centrifugal pump.

(3) An eductor

(4) Any other device accepted by the Commandant.

(d) There must be a means in the stripping system piping between the device under paragraph (c) of this section and each cargo tank to isolate each tank from the device.

(e) If the stripping system has a positive displacement pump or a self-priming centrifugal pump, the stripping system must have the following:

(1) In the stripping system piping—

(i) A pressure gauge at the inlet connection to the pump; and

(ii) A pressure gauge at the discharge connection to the pump.

(2) At least one of the following monitoring devices to indicate operation of the pump.

(i) Flow indicator.

(ii) Stroke counter.

(iii) Revolution counter.

(f) If the stripping system has an eductor, the stripping system must have—

(1) A pressure gauge at each driving fluid intake and at each discharge; and

(2) A pressure/vacuum gauge at each suction intake.

(g) The equipment required under paragraphs (e) and (f) of this section must have indicating devices in the cargo control room or another location that is accepted by the Commandant.

### § 157.130 Crude oil washing with more than one grade of crude oil.

If a tank vessel under § 157.10(e) or having a COW system under

§ 157.10a(a)(2) carries more than one grade of crude oil, the COW system must be capable of crude oil washing the cargo tanks with the grades of crude oil that the vessel carries.

### § 157.132 Cargo tanks: Hydrocarbon vapor emissions.

Each tank vessel having a COW system under § 157.10a(a)(2) without sufficient segregated ballast tanks or dedicated clean ballast tanks to allow the vessel to depart from any port in the United States without ballasting cargo tanks must have—

(a) A means to discharge hydrocarbon vapors from each cargo tank that is ballasted to a cargo tank that is discharging crude oil; or

(b) Any other means accepted by the Commandant that prevents hydrocarbon vapor emissions when the cargo tanks are ballasted in port.

### § 157.134 Cargo tank drainage.

Each cargo tank must be designed for longitudinal and transverse drainage of crude oil to allow the tank vessel to pass the inspections under § 157.140.

### § 157.136 Two-way voice communications.

Each tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) must have a means that enables two-way voice communications between the main deck watch required under § 157.168 and each cargo discharge control station.

### § 157.138 Crude Oil Washing Operations and Equipment Manual.

(a) Each *Crude Oil Washing Operations and Equipment Manual* must include the following information:

(1) The text of the Annex of Resolution 15 of the MARPOL Protocol.

(2) A line drawing of the tank vessel's COW system showing the locations of pumps, piping, and COW machines.

(3) A description of the COW system.

(4) The procedure for the inspection of the COW system during COW operations.

(5) Design characteristic information of the COW system that includes the following:

(i) Pressure and flow of the crude oil pumped to the COW machines.

(ii) Revolutions, number of cycles, and length of cycles of each COW machine.

(iii) Pressure and flow of the stripping suction device.

(iv) Number and location of COW machines operating simultaneously in each cargo tank.

(6) The design oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank.

(7) The results of the inspections recorded when passing the inspections under § 157.140.

(8) Characteristics of the COW system recorded during the COW operations when passing the inspections under § 157.140 that includes the following:

(i) Pressure and flow of the crude oil pumped to the COW machines.

(ii) Revolutions, number of cycles, and length of cycles of each COW machine.

(iii) Pressure and flow of the stripping device.

(iv) Number and location of COW machines operating simultaneously in each cargo tank.

(9) The oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank recorded during COW operations when passing the inspections under § 157.140.

(10) The volume of water used for water rinsing recorded during COW operations when passing the inspections under § 157.140.

(11) The trim conditions of the tank vessel recorded during COW operations when passing the inspections under § 157.140.

(12) The procedure for stripping cargo tanks of crude oil.

(13) The procedure for draining and stripping the pumps and piping of the COW system, cargo system, and stripping system after each crude oil cargo discharge.

(14) The procedure for crude oil washing cargo tanks that includes the following:

(i) The tanks to be crude oil washed to meet § 157.160.

(ii) The order in which those tanks are washed.

(iii) The single-stage or multi-stage method of washing each tank.

(iv) The number of COW machines that operate simultaneously in each tank.

(v) The duration of the crude oil wash and water rinse.

(vi) The volume of water to be used for water rinse in each tank.

(15) The procedures and equipment needed to prevent leakage of crude oil from the COW system.

(16) The procedures and equipment needed if leakage of crude oil from the COW system occurs.

(17) The procedures for testing and inspecting the COW system for leakage of crude oil before operating the system.

(18) The procedures and equipment needed to prevent leakage of crude oil from the steam heater under § 157.122(i) to the engine room.

(19) The number of crew members needed to conduct the following:

(i) The discharge of cargo.

(ii) The crude oil washing of cargo tanks.

(iii) The simultaneous operations in paragraphs (a)(19) (i) and (ii) of this section.

(20) A description of the duties of each crew member under paragraph (a)(19) of this section.

(21) The procedures for ballasting and deballasting cargo tanks.

(22) The step by step procedure for the inspection of the COW system by vessel personnel before COW operations begin that includes the procedure for inspecting and calibrating each instrument. (Operational Checklist)

(23) The intervals for on board inspection and maintenance of the COW equipment. Informational references to technical manuals supplied by the manufacturers may be included in this part of the manual.

(24) A list of crude oils that are not to be used in COW operations.

(25) The procedure to meet § 157.155(a)(4).

(b) In addition to meeting paragraph (a) of this section, each manual under paragraph (a) of this section on a tank vessel having a COW system under § 157.10a(a)(2) must include the following:

(1) The procedure to meet § 157.166.

(2) The procedures to meet § 157.155(b).

## INSPECTIONS

### § 157.140 Tank vessel inspections.

(a) Before issuing a letter under § 157.142, the Coast Guard makes an initial inspection of each U.S. tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) and each foreign tank vessel whose owner or operator submitted the plans under § 157.102 to determine whether or not the cargo tanks that carry crude oil when entering a port meet the following:

(1) After each tank is crude oil washed but not water rinsed, except the bottom of the tank may be flushed with water and stripped, each tank is essentially free of oil clingage or deposits of oil, or both to a degree acceptable to the Coast Guard inspector.

(2) After the tanks that are to be used as ballast tanks when leaving the port are crude oil washed and stripped but not water rinsed or bottom flushed, they are filled with water and the total volume of crude oil floating on top of the water in these tanks is 0.085 percent or less of the total volume of these tanks.

(b) Except on a tank vessel under § 157.10(e), if the initial inspection under paragraph (a) of this section has been passed and the vessel arrives at the first cargo loading port after completing a ballast voyage, the Coast Guard monitors the discharge of effluent from those tanks that have been crude oil washed, water rinsed, stripped, and filled with ballast water to determine whether or not the oil content of the effluent is 15 ppm or less.

### § 157.142 Letter of acceptance: Inspections.

If the inspections under § 157.140 are passed, the Coast Guard issues to the tank vessel a letter that states that the vessel complies with this subpart.

### § 157.144 Tank vessels of the same class: Inspections.

(a) If more than one tank vessel is constructed from the same plans, the owner or operator may submit a written request to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20593, for only one of those tank vessels to be inspected under § 157.140.

(b) Only one tank vessel of the class is inspected under § 157.140, if the Commandant accepts the request submitted under paragraph (a) of this section.

### § 157.146 Similar tank design: Inspections on U.S. tank vessels.

(a) If a U.S. tank vessel has tanks similar in dimensions and internal structure, the owner or operator may submit a written request to the Officer in Charge, Marine Inspection, of the zone in which the COW system is inspected, for only one of those tanks to be inspected under § 157.140(a)(1).

(b) Only one tank of a group of tanks similar in dimensions and internal structure is inspected under § 157.140(a)(1), if the Officer in Charge, Marine Inspection, accepts the request submitted under paragraph (a) of this section.

### § 157.147 Similar tank design: Inspections on foreign tank vessels.

(a) If a foreign tank vessel has tanks similar in dimensions and internal structure, the owner or operator may submit a written request to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20593, for only one of those tanks to be inspected under § 157.140(a)(1).

(b) Only one tank of a group of tanks similar in dimensions and internal structure is inspected under § 157.140(a)(1), if the Commandant accepts the request submitted under paragraph (a) of this section.

### § 157.148 COW system: Evidence for inspections.

(a) Before the inspections under § 157.140 are conducted by the Coast Guard, the owner or operator of a foreign tank vessel that is to be inspected must submit to the Coast Guard inspector evidence that the COW system has been installed in accordance with the plans accepted under § 157.106.

(b) Before the inspections under § 157.140 are conducted by the Coast Guard, the owner or operator of a tank vessel that is to be inspected must submit to the Coast Guard inspector evidence that the COW piping system has passed a test of 1½ times the design working pressure.

### § 157.150 Crude Oil Washing Operations and Equipment Manual: Recording information after inspections.

After passing the inspections under § 157.140, the owner, operator, and master shall ensure that the following are recorded in the *Crude Oil Washing Operations and Equipment Manual* approved under § 157.112:

(a) The results of the inspections under § 157.140.

(b) The following characteristics used to pass the inspections under § 157.140:

(1) Pressure and flow of the crude oil pumped to the COW machines.

(2) Revolutions, number of cycles, and length of cycles of each COW machine.

(3) Pressure and flow of the stripping suction device.

(4) Number and location of COW machines operating simultaneously in each cargo tank.

(5) Volume of water used for water rinsing.

(6) Trim conditions of the tank vessel.

## PERSONNEL

### § 157.152 Person in charge of COW operations.

The owner, operator, and master of a tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure that the person designated as the person in charge of COW operations—

(a) Knows the contents in the *Crude Oil Washing Operations and Equipment Manual* aproved by the Coast Guard under § 157.112 or by the government of the vessel's flag state;

(b) On at least two occasions, has participated in crude oil washing of cargo tanks, one of those occasions occurring on—

(1) The tank vessel on which the person assumes duties as the person in charge of COW operations; or

(2) A tank vessel that is similar in tank design and which has COW equipment similar to that used on the tank vessel on which the person assumes duties as the person in charge of COW operations; and

(c) Has one year or more of tank vessel duty that includes oil cargo discharge operations and—

(1) Crude oil washing of cargo tanks; or

(2) Has completed a training program in crude oil washing operations that is approved by the Coast Guard or the government of the vessel's flag state.

NOTE: Standards of a Coast Guard approved training program are to be developed.

### § 157.154 Assistant personnel.

The owner, operator, and master of a tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure that each member of the crew that has a designated responsibility during COW operations—

(a) Has six months or more of tank vessel duty that includes oil cargo discharge operations;

(b) Has been instructed in the COW operation of the tank vessel; and

(c) Is familiar with the contents of the *Crude Oil Washing Operations and Equipment Manual* approved by the Coast Guard under § 157.112 or by the government of the vessel's flag state.

## COW OPERATIONS

### § 157.155 COW operations: General.

(a) The master of a tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure that—

(1) Before crude oil washing a cargo tank, the level in each tank with crude oil that is used as a source for crude oil washing is lowered at least one meter;

(2) A tank used as a slop tank is not used as a source for crude oil washing until—

(i) Its contents are discharged ashore or to another tank; and

(ii) The tank contains only crude oil;

(3) During COW operations—

(i) The valves under § 157.122(i)(1) are shut; or

(ii) The blanks under § 157.122(i)(2) are installed;

(4) The rotation of each COW machine mounted to or close to the bottom of each cargo tank is verified by—

(i) A visual inspection of a means located outside of the cargo tank that indicates movement of the machine during COW operations;

(ii) An audio inspection during COW operations; or

(iii) An inspection on a ballast voyage, with water as the fluid flowing through the machine;

(5) During the audio inspection under paragraph (a)(4)(ii) of this section, the COW machine being inspected is the only one operating in that tank;

(6) Before the inspection under paragraph (a)(4)(iii) of this section, the tank that has the COW machine being inspected in it, is gas freed;

(7) Each COW machine that is inspected under paragraph (a)(4)(iii) of this section is inspected at least once after every sixth COW operation of that machine, but no less that once every 12 months;

(8) After each stripping operation is completed, each tank—

(i) Is sounded by a means under § 157.128(b); and

(ii) Contains no oil except a minimal quantity near the stripping suction;

(9) Before the tank vessel begins each ballast voyage, each cargo tank and each cargo main, stripping, and COW piping is stripped of crude oil and the strippings are conveyed ashore through the piping under §§ 157.11(d)(3) or 157.11(e)(4);

(10) Before water washing the cargo tanks, the piping of the COW system is drained of crude oil;

(11) When the cargo tanks are not being water washed, the hydrant valves under § 157.122(g) are blanked off;

(12) If COW machines that are used as anchors for the piping of the COW system are removed, the means available under § 157.122(l) for anchoring the piping are installed;

(13) The fire main is not connected to the COW system; and

(14) On combination carriers, if flexible hoses under § 157.122(o) are used, those hoses are protectively stowed when not installed in the COW piping system.

(b) In addition to meeting paragraph (a) of this section, the master of a tank vessel having a COW system under § 157.10a(a)(2) shall ensure that—

(1) Before ballasting cargo tanks upon leaving a port, each cargo pump, manifold, and piping that is used for ballasting the cargo tanks is drained of all crude oil; and

(2) Before ballasting or deballasting cargo tanks, except when ballasting cargo tanks to leave a port, the cargo piping that is used for ballasting or deballasting the cargo tanks is water washed.

### § 157.156 COW operations: Meeting manual requirements.

Except as allowed in § 157.158, the master of a foreign tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) that has a *Crude Oil Washing Operations and Equipment Manual* approved under § 157.112 and is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States and the master of a U.S. tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure that during each COW operation—

(a) The procedures listed in the *Crude Oil Washing Operations and Equipment Manual* are followed; and

(b) The characteristics recorded in the *Crude Oil Washing Operations and Equipment Manual* under § 157.150(b) are met.

### § 157.158 COW operations: Changed characteristics.

The COW system may be operated with characteristics that do not meet those recorded under § 157.150(b) only if—

(a) The tank vessel passes the inspections under § 157.140 using the changed characteristics;

(b) The changed characteristics used to pass the inspections under § 157.140 are recorded in the *Crude Oil Washing Operations and Equipment Manual* approved under § 157.112; and

(c) The Coast Guard issues to the tank vessel an amending letter stating that the tank vessel complies with this subpart with these characteristics.

### § 157.160 Tanks: Ballasting and crude oil washing.

(a) The owner, operator, and master of a tank vessel under § 157.10(e) shall ensure that—

(1) Ballast water is carried in a cargo tank only as allowed under § 157.35;

(2) For sludge control, at least 25 percent of the cargo tanks are crude oil washed before each ballast voyage and that each cargo tank is crude oil washed at least once every fourth time crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

(3) Ballast water in a cargo tank that is crude oil washed but not water rinsed during or after the most recent discharge of crude oil from that tank is discharged in accordance with § 157.37(a); and

(4) Cargo tanks are not crude oil washed during a ballast voyage.

(b) The owner, operator, and master of a tank vessel having a COW system under § 157.10a(a)(2) shall ensure that—

(1) Ballast water is carried only in a cargo tank that is crude oil washed during or after the most recent discharge of crude oil from that tank;

(2) Before each ballast voyage a sufficient number of cargo tanks have been crude oil washed during or after the most recent discharge of crude oil from those tanks to allow ballast water to be carried in cargo tanks—

(i) With a total capacity to meet the draft and trim requirements in § 157.10a(d); and

(ii) For the vessel's trading pattern and expected weather conditions;

(3) For sludge control, at least 25 percent of the cargo tanks not used for carrying ballast water under paragraph (b)(2)(i) of this section are crude oil washed before each ballast voyage, and that each cargo tank is crude oil washed at least once every fourth time crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

(4) Cargo tanks are not crude oil washed during a ballast voyage; and

(5) Ballast water in a cargo tank that is crude oil washed but not water rinsed during or after the most recent discharge of crude oil from that tank is discharged in accordance with § 157.37(a).

### § 157.162 Crude oil washing during a voyage.

The master of a tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure that each cargo tank that is crude oil washed during a voyage other than a ballast voyage—

(a) Remains empty so that the tank may be inspected upon arrival at the next discharge port; and

(b) If it is to be used as a ballast tank when leaving the discharge port, is ballasted before the vessel departs from that discharge port so that the tank may be inspected under § 157.140(a)(2).

### § 157.164 Use of inert gas system.

(a) The master of a tank vessel under § 157.10(e) or having a COW system under § 157.10a(a)(2) shall ensure the following:

(1) Before each cargo tank is crude oil washed, the oxygen content in the tank is measured at each of the following locations in the tank:

(i) One meter from the deck.

(ii) In the center of the ullage space.

(2) Before each cargo tank with partial bulkheads is crude oil washed, each area of that tank formed by each partial bulkhead is measured in accordance with paragraph (a)(1) of this section.

(3) Before each cargo tank is crude oil washed, the oxygen content in that tank is 8 percent or less by volume at the locations under paragraph (a)(1) of this section.

(4) During COW operations, the following are maintained in each cargo tank being crude oil washed:

(i) A gas or a mixture of gases with an oxygen content of 8 percent or less by volume.

(ii) A positive atmospheric pressure.

(5) During COW operations, a crew member monitors the instrumentation under 46 CFR 32.53-60(a)(1), except if that instrumentation has an alarm that sounds in the cargo control room when the oxygen content exceeds 8 percent by volume.

(b) Crude oil washing of the cargo tanks must be terminated when paragraph (a)(4) of this section is not met and crude oil washing of that tank may not be resumed until the requirements of paragraph (a)(4) of this section are met.

### § 157.166 Hydrocarbon vapor emissions.

If a tank vessel having a COW system under § 157.10a(a)(2) transfers cargo at a port in the United States that is in an area designated in 40 CFR Part 81 as an area that does not meet the national primary ambient air quality ozone standard under 40 CFR Part 50, issued under the Clean Air Act, as amended (42 U.S.C. 1857), the master of that vessel shall ensure that when cargo tanks are ballasted in that port the hydrocarbon vapors in those tanks are contained by a means under § 157.132.

NOTE: Questions relating to whether or not a particular port is located in an area designated in 40 CFR Part 81 as an area that does not meet the national primary ambient air quality ozone standard under 40 CFR Part 50 can be answered by contacting the Plans Analysis Section of the Environmental Protection Agency at (919) 541-5365.

### § 157.168 Crew member: Main deck watch.

During COW operations, the master shall ensure that at least one member of the crew with a designated responsibility for monitoring COW operations is on the main deck at all times.

### § 157.170 COW equipment: Removal.

(a) Whenever a deck mounted COW machine is removed from the tank, the master shall ensure that—

(1) The supply piping to that machine is blanked off; and

(2) The tank opening is sealed by a secured plate made of steel or an equivalent material accepted by the Commandant.

(b) If the equipment for the COW system is removed from a cargo tank for the carriage of cargoes other than crude oil and then reinstalled, the master shall ensure that, before COW operations are conducted, the system has no crude oil leakage.

### § 157.172 Limitations on grades of crude oil carried.

If a tank vessel having a COW system under § 157.10a(a)(2) does not have segregated ballast tanks or dedicated clean ballast tanks that meet § 157.10a(d), the owner, operator, and master shall ensure that the vessel carries only the grades of crude oil that can be used for crude oil washing.

## Subpart E—Dedicated Clean Ballast Tanks on Tank Vessels

AUTHORITY: Sec. 5, Port and Tanker Safety Act of 1978, 92 Stat. 1480 (46 U.S.C. 391a); 49 CFR 1.46(n)(4).

SOURCE: CGD 77-058b, 45 FR 43714, June 30, 1980, unless otherwise noted.

## GENERAL

### § 157.200 Plans for U.S. tank vessels: Submission.

(a) Before June 1, 1981 the owner or operator of each U.S. tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) must submit to the Coast Guard plans that include—

(1) The dedicated clean ballast tank arrangement; and

(2) A drawing or diagram of the pumping and piping system for the dedicated clean ballast tanks.

(b) Plans under paragraph (a) of this section must be submitted to the Officer in Charge, Marine Inspection, of the zone in which the dedicated clean ballast tank system is installed or one of the following Coast Guard field technical offices:

(1) Commander, 3rd Coast Guard District (mmt), Governors Island, New York, N.Y. 10004, if the dedicated clean ballast tank system is installed in the area under the 1st or 3rd Coast Guard Districts.

(2) Commander, 5th Coast Guard District (mmt), 431 Crawford Street, Portsmouth, Virginia 23705, if the dedicated clean ballast tank system is installed in the area under the 5th or 7th Coast Guard Districts.

(3) Commander, 8th Coast Guard District (mmt), 500 Camp Street, Hale Boggs Federal Building, New Orleans, Louisiana 70130, if the dedicated clean ballast tank system is installed in the area under the 2nd or 8th Coast Guard Districts.

(4) Commander, 9th Coast Guard District (mmt), 601 Rockwell Ave., Cleveland, Ohio 44114, if the dedicated clean ballast tank system is installed in the area under the 9th Coast Guard District.

(5) Commander, 12th Coast Guard District (mmt), 630 Sansome Street, San Francisco, California 94126, if the dedicated clean ballast tank system is installed in the area under the 11th, 12th, 13th, 14th, or 17th Coast Guard Districts.

### § 157.202 Plans and documents for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) desires the letter from the Coast Guard under § 157.204 accepting the plans submitted under this paragraph, the owner or operator must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20593—

(a) Plans that include—

(1) The dedicated clean ballast tank arrangement; and

(2) A drawing or diagram of the pumping and piping system for the dedicated clean ballast tanks; and

(b) Documentation from the authority that assigned the load line to the tank vessel that states that the location of the dedicated clean ballast tanks is acceptable to that authority.

### § 157.204 Letter of acceptance.

The Coast Guard informs the submitter by letter that the plans submitted under § 157.200 or the plans and documents submitted under § 157.202 are accepted, if the plans submitted under § 157.200 or the plans and documents submitted under § 157.202 show that the dedicated clean ballast tank system meets this subpart.

### § 157.206 Dedicated Clean Ballast Tanks Operations Manual for U.S. tank vessels: Submission.

Before June 1, 1981, the owner or operator of a U.S. tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) must submit two copies of a *Dedicated Clean Ballast Tanks Operations Manual* that meets § 157.224 to the Officer in Charge, Marine Inspection, of the zone in which the dedicated clean ballast tank system is installed or to the appropriate Coast Guard field technical office listed in § 157.200(b).

### § 157.208 Dedicated Clean Ballast Tanks Operations Manual for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) desires a Coast Guard approved *Dedicated Clean Ballast Tanks Operations Manual* under § 157.210, the owner or operator must submit two copies of a manual that meets § 157.224 to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20593.

### § 157.210 Approved Dedicated Clean Ballast Tanks Operations Manual.

If the manuals submitted under §§ 157.206 or 157.208 meet § 157.224, the Coast Guard approves the manuals and forwards one of the approved manuals to the submitter.

### § 157.212 Dedicated Clean Ballast Tanks Operations Manual: Not approved.

If the *Dedicated Clean Ballast Tanks Operations Manual* submitted under §§ 157.206 or 157.208 is not approved, the Coast Guard forwards a letter to the submitter with the reasons why the manual was not approved.

### § 157.214 Required documents: U.S. tank vessels.

On and after June 1, 1981, the owner, operator, and master of a U.S. tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board—

(a) The letter under § 157.204 accepting the dedicated clean ballast tank system plans;

(b) The Coast Guard approved *Dedicated Clean Ballast Tanks Operations Manual* under § 157.210; and

(c) Any amending letters issued under § 157.218 approving alterations.

### § 157.216 Required documents: Foreign tank vessels.

On and after June 1, 1981, the owner, operator, and master of a foreign tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(a) A *Dedicated Clean Ballast Tanks Operations Manual* that—

(1) Is approved under § 157.210; or

(2) Meets the manual standards in Resolution 14 of the MARPOL Protocol and is approved by the government of the vessel's flag state; and

(b) Evidence of acceptance of the tank vessel's dedicated clean ballast tank system consisting of—

(1) A document from the government of the vessel's flag state that certifies the vessel's compliance with Resolution 14 of the MARPOL Protocol; or

(2) The letter under § 157.204 accepting the dedicated clean ballast tank system plans and any amending letters issued under § 157.218 approving alterations.

### § 157.218 Dedicated clean ballast tanks: Alterations.

The dedicated clean ballast tanks or equipment on a tank vessel that has a letter issued under § 157.204 may not be altered so that they no longer meet the plans accepted under that section unless—

(a) The owner or operator of that vessel submits plans that show the alterations to the Coast Guard official to which the plans were submitted under §§ 157.200 or 157.202;

(b) The owner or operator of that vessel submits changes to the manual under § 157.224 that show and describe the alterations to the Coast Guard official to which the manuals were submitted under §§ 157.206 or 157.208; and

(c) The Coast Guard issues to the tank vessel an amending letter stating that the vessel, as altered, complies with this subpart.

## DESIGN AND EQUIPMENT

### § 157.220 Dedicated clean ballast tanks: Standards.

(a) Cargo tanks that are designated as dedicated clean ballast tanks must allow the tank vessel to meet the draft and trim requirements under § 157.10a(d) when filled with ballast water.

(b) Each tank under paragraph (a) of this section must be—

(1) A wing tank; or

(2) Any other tank that is accepted by the Commandant.

### § 157.222 Pump and piping arrangements.

(a) Dedicated clean ballast tanks must be connected to the least practicable—

(1) Number of pumps; and

(2) Amount of piping.

(b) Each piping system that is arranged to convey clean ballast and cargo must be designed to be flushed to the slop tank with water.

(c) The piping system of each dedicated clean ballast tank must be arranged so that oily water does not enter any dedicated clean ballast tank when the piping system is flushed.

(d) The piping system of each dedicated clean ballast tank must have at least two valves that isolate that tank from each cargo tank.

(e) The piping system of the dedicated clean ballast tanks must have a sample point that is located in a vertical section of discharge piping.

NOTE: An example of a sample point is shown in 46 CFR Figure 162.050-17(e).

### § 157.224 Dedicated Clean Ballast Tanks Operations Manual.

Each *Dedicated Clean Ballast Tanks Operations Manual* must include the following information:

(a) The text of the Annex of Resolution 14 of the MARPOL Protocol.

(b) A description of the dedicated clean ballast tanks system.

(c) A procedure for dedicated clean ballast tanks operations.

NOTE: Appendix D is an example of such a procedure.

## DEDICATED CLEAN BALLAST TANKS OPERATIONS

### § 157.225 Dedicated clean ballast tanks operations: General.

The master of a tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) shall ensure that—

(a) Before clean ballast in any dedicated clean ballast tank is discharged or transferred, the pump and piping system for conveying the clean ballast are flushed with water;

(b) Before any dedicated clean ballast tank is ballasted, the pump and piping system for conveying the ballast are flushed with water;

(c) Before the pump and piping system of the dedicated clean ballast tanks are used for cargo transfer—

(1) If water in the dedicated clean ballast tanks is used for flushing the pump and piping system, the volume of water for flushing is equal to at least 10 times the volume of the piping to be flushed;

(2) The piping system is drained of fluid; and

(3) The valves under § 157.222(d) are closed;

(d) Flushing water is pumped from a sea chest or a dedicated clean ballast tank through the pump and piping system of the dedicated clean ballast tanks and then to a slop tank;

(e) Clean ballast from each dedicated clean ballast tank is discharged in accordance with § 157.43;

(f) When the pump and piping system are being flushed—

(1) The oil content of the flushing water in the piping system is monitored; and

(2) The pump and piping system are flushed until the oil content of the flushing water in the piping stabilizes; and

(g) If any pump or piping system that is flushed to meet paragraph (f) of this section is used to convey cargo during an emergency, that pump or piping system is flushed again to meet paragraph (f) of this section before being used to convey clean ballast.

### § 157.226 Dedicated Clean Ballast Tanks Operations Manual: Procedures to be followed.

The master of a foreign tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) that has a *Dedicated Clean Ballast Tanks Operations Manual* approved under § 157.210 and is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States and the master of a U.S. tank vessel under § 157.10a(b) of having dedicated clean ballast tanks under § 157.10a(c)(2) shall ensure that the procedures listed in the *Dedicated Clean Ballast Tanks Operatons Manual* are followed.

### § 157.228 Isolating valves: Closed during a voyage.

(a) The master of each U.S. tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) shall ensure that the valves under § 157.222(d) remain closed during a voyage.

(b) The master of each foreign tank vessel under § 157.10a(b) or having dedicated clean ballast tanks under § 157.10a(c)(2) shall ensure that the valves under § 157.222(d) remain closed when the vessel is on a voyage in the navigable waters of the United States.

### APPENDIX A—DAMAGE ASSUMPTIONS, HYPOTHETICAL OUTFLOWS, AND CARGO TANK SIZE AND ARRANGEMENTS

1. *Source.* The procedures for the damage assumption calculations contained in this Appendix conform to Regulations 22, 23, and 24 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973, done at London, November 2, 1973.

2. *Assumptions.* For the purpose of calculating hypothetical outflow from tank vessels, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the vessel are assumed.

(a) For side damage, the conditions are as follows:

| *Damage* | Conditions |
|---|---|
| (1) Longitudinal extent $l_c$ | $\frac{1}{3}L^{\frac{2}{3}}$ or 14.5 m, whichever is less |
| (2) Transverse extent ($t_c$) (inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard) | $\frac{B}{5}$ or 11.5 m, whichever is less |
| (3) Vertical extent ($v_c$) | From the base line upwards without limit |

(b) For bottom damage, two conditions to be applied individually to the stated portions of the vessel, as follows:

| Damage | Conditions | |
|---|---|---|
| | For 0.3L from the forward perpendicular of ship | Any other part of ship |
| (1) Longitudinal extent ($l_s$) | $L/10$ | $L/10$ or 5 meters, whichever is less |
| (2) Transverse extent ($t_s$) | $B/6$ or 10 meters, whichever is less but not less than 5 meters | 5 meters |
| (3) Vertical extent from the base line ($v_s$) | $B/15$ or 6 meters, whichever is less | $B/15$ or 6 meters, whichever is less |

3. *Hypothetical Outflow of Oil.* (a) The hypothetical outflow of oil in the case of side damage ($O_c$) and bottom damage ($O_s$) is calculated by the following formula with respect to compartments breached by damage to all conceivable locations along the length of the vessel to the extent as defined in section 2 of this Appendix.

(1) For side damages: Formula

$$O_c = \sum W_i + \sum K_i C_i$$

(2) For bottom damage: Formula II

$$O_s = \frac{1}{3}\left(\Sigma Z_i W_i + \Sigma Z_i C_i\right)$$

Where:

$W_i$ Volume of a wing tank assumed to be breached by the damage as specified in section 2 of this Appendix; $W_i$ for a segregated ballast tank may be taken equal to zero;

$C_i$ Volume of a center tank assumed to be breached by the damage as specified in section 2 of this Appendix; $C_i$ for a segregated ballast tank may be taken equal to zero;

$$K_i = 1 - \frac{b_i}{t_c}$$

when $b_i$ is equal to or greater than $t_c$, $K_i$ is equal to zero;

$$Z_i = 1 - \frac{h_i}{v_s}$$

when $h_i$ is equal to or greater than $v_s$, $Z_i$ is equal to zero;

$b_i$ Minimum width of wing tank under consideration measured inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard; and

$h_i$ Minimum depth of the double bottom under consideration; where no double bottom is fitted, $h_i$ is equal to zero.

(b) If a void space or segregated ballast tank of a length less than $l_c$ is located between wing oil tanks, $O_c$ in formula I of this section may be calculated on the basis of volume $W_i$ being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity), adjacent to such space, multiplied by $S_i$ as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - \frac{l_i}{l_c}$$

Where $l_i$ length of void space or segregated ballast tank under consideration.

(c) Credit is only given in respect to double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(1) If the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered nonexistent and the volume of the tanks above the area of the bottom damage must be included in formula II of this section even if the tank is not considered breached because of the installation of such a partial double bottom.

(2) Suction wells may be neglected in the determination of the value $h_i$ if such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, $h_i$ is taken equal to the double bottom height minus the well height.

(d) In the case where bottom damage simultaneously involves four center tanks, the value of $O_s$ may be calculated according to formula III as follows:

$$O_s = \frac{1}{4}\left(\Sigma Z_i W_i + \Sigma Z_i C_i\right)$$

(e) Credit for reduced oil outflow from bottom damage may be applied to formula III for an installed emergency high suction cargo transfer system that—

(1) transfers within two hours oil equal to one half of the volume of the largest tank involved;

(2) has sufficient ballast or cargo tankage available to receive the transferred oil; and

(3) has the high suction piping installed at a height not less than the vertical extent of bottom damage ($v_s$).

4. *Allowable volumes of cargo tanks.*

(a) The allowable volume of a wing cargo tank ($VOL_w$) is equal to seventy-five percent of $O_A$. In a segregated ballast tank vessel $VOL_w$ may equal $O_A$ for a wing cargo oil tank located between two segregated ballast tanks each of length greater than $l_c$ and width greater than $t_c$.

(b) The allowable volume of a center cargo tank ($VOL_c$) is 50,000 cubic meters.

5. *Allowable length of cargo tanks.* The allowable length of a cargo tank ($l_c$) is equal to the greater of 10 meters or more of the following values:

(a) If no longitudinal bulkhead is provided, 0.1L.

(b) If a longitudinal bulkhead is provided at the centerline only, 0.15L.

(c) If two or more longitudinal bulkheads are provided:

(1) For wing tanks, 0.2*L*; and

(2) For center tanks—

If

(i) $\frac{b_i}{B}$

is equal to or greater than ⅕, 0.2*L*; or

If

(ii) $\frac{b_i}{B}$

is less than $\frac{1}{5}$; and—

(A) no centerline longitudinal bulkhead is provided,

$$\left(0.5\,\frac{b_i}{B}+0.1\right)L;$$

or

(B) a centerline longitudinal bulkhead is provided,

$$\left(0.25\,\frac{b_i}{B}+0.15\right)L.$$

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 74-32, 40 FR 49328, Oct. 22, 1975]

### APPENDIX B—SUBDIVISION AND STABILITY ASSUMPTIONS

1. *Source.* The procedures for the loading assumption calculations contained in this Appendix conform to Regulation 25 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973, done at London, November 2, 1973.

2. *Loading Assumptions.* For the purpose of calculating subdivision and damage stability for a tank vessel, the operating drafts must reflect actual partial or full load conditions consistent with trim and strength of the vessel. Ballast conditions need not be considered if the tank vessel is not carrying oil in cargo tanks excluding oily residues. Loading condition must reflect the specific gravities of the cargo.

3. *Damage Assumptions.*

(a) Damage is applied to all conceivable locations along the length of the vessel as follows:

(1) For a vessel of more than 225 meters in length, anywhere in the vessel's length.

(2) For a vessel of more than 150 meters, but not exceeding 225 meters in length, anywhere in the vessel's length except where the after or forward bulkhead bounding a machinery space located aft is involved in the damage assumption. The machinery space is calculated as a single floodable compartment.

(3) For a vessel 150 meters or less in length, anywhere in the vessel's length between adjacent transverse bulkheads except the machinery space.

(b) The extent and the character of the assumed side or bottom damage, as defined in section 2 of Appendix A of this part, must be applied except longitudinal bottom damage within 0.3L from the forward perpendicular must be assumed to be the same as that for side damage. If any damage of lesser extent results in a more severe condition, such damage must be assumed.

(c) If damage involves transverse bulkheads as specified in paragraphs (a)(1) and (2) of this section, transverse watertight bulkheads must be spaced at least at a distance equal to the longitudinal extent of the assumed damage specified in paragraph (b) of this section in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage must be assumed as nonexistent for the purpose of determining flooded compartments.

(d) If the damages between adjacent transverse watertight bulkheads is within the definition contained in paragraph (a)(3) of this section, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks is to be assumed damaged, unless—

(1) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage defined in paragraph (b) of this section; or

(2) there is a step or a recess in a transverse bulkhead of more than 3.05 meters in length, located within the extent of penetrations of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not regarded as a step for these calculations.

(e) If pipes, ducts, or tunnels are situated within the assumed extent of damage, there must be arrangements so that progressive flooding may not thereby extend to compartments other than those assumed to be floodable for each case of damage.

4. *Characteristic and Condition Assumption for Calculations.*

(a) Account must be taken of any empty or partially filled tanks, the specific gravity of cargoes carried, and any outflow of liquids from damaged compartments.

(b) The permeabilities are assumed as follows:

| Intended space use | *Permeability* |
|---|---|
| Stores | 0.60 |
| Accommodation | 0.95 |
| Machinery | 0.85 |
| Voids | 0.95 |
| Consumable liquids | [1] 0 or 0.95 |
| Other liquids | [2] 0 or 0.95 |

[1] Whichever results in the more severe requirements.

[2] The permeability of partially filled compartments must be consistent with actual density and the amount of liquid carried.

(c) The buoyancy of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place. Class I doors are allowed in watertight bulkheads in the superstructure.

(d) The free surface effect is to be calculated—

(1) at an angle of heel of 5 degrees for each individual compartment; or

(2) by assessing the shift of liquids by moment of transference calculations.

(e) In calculating the effect of free surfaces of consumable liquids, it is to be assumed that, for each type of liquid, at least one transverse pair or a single centerline tank has a free surface and the tank or combination of tanks to be taken into account is to be those where the effect of free surface is the greatest.

## APPENDIX C—PROCEDURE FOR DETERMINING DISTRIBUTION OF SEGREGATED BALLAST TANKS TO PROVIDE PROTECTION AGAINST OIL OUTFLOW IN THE EVENT OF GROUNDING, RAMMING, OR COLLSION

1. *Source.* The procedure for determining the distribution of segregated ballast tanks contained in this appendix conforms to Regulation 13E of the MARPOL Protocol.

2. *Procedure.* Protective location of segregated ballast tanks, voids, and other spaces that do not carry cargo which are within the cargo tank length is determined from the following:

$\Sigma PA_c + \Sigma PA_s = J[L_t(B + 2D)]$

Where—

$PA_c$ = the side shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo and which complies with paragraph 2(b) of this appendix;

$PA_s$ = the bottom shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo and which complies with paragraph 2(b) of this appendix;

$L_t$ = the length in meters between the forward and after extremities of the cargo tanks;

B = the maximum breadth of the ship in meters measured amidship to the molded line of the frame; and

D = the molded depth in meters measured vertically from the top of the keel plate to the top of the freeboard deck beam at the side amidships. In tank vessels having rounded gunwales, the molded depth is measured from the top of the keel plate to the point of intersection of the molded lines of the deck and side shell plating, the lines being extended as though the gunwale were of angular design.

(a) *Method of determining a value for J.*

(1) For tank vessels for 20,000 DWT, J = 0.45.

(2) For tank vessels of 200,000 DWT or more—

(i) J = 0.30; or

(ii) J = the greater of 0.20, or

$$0.30 - \left[ \frac{a - (O_c + O_s).}{4O_A} \right]$$

where:

a = 0.25 for tank vessels of 200,000 DWT.
a = 0.40 for tank vessels of 300,000 DWT.
a = 0.50 for tank vessels of 420,000 DWT.

For values of DWT between 200,000 and 300,000 DWT, 300,000 and 420,000 DWT, and greater than 420,000 DWT, the value of "a" is determined by linear interpolation.

$O_c$ = as calculated in Appendix A of this part.

$O_s$ = as calculated in Appendix A of this part.

$O_A$ = the allowable oil outflow meeting § 157.19(b)(1) of this part.

(3) For values of DWT between 20,000 and 200,000 DWT, the value of "J" is determined by linear interpolation between 0.45 and 0.30 respectively.

(b) $PA_c$ and $PA_s$: *Criteria for determining the segregated ballast tanks, voids, and other spaces that do not carry cargo.*

The following criteria are to be met for a segregated ballast tank, void, or space that does not carry cargo, to be used in determining $PA_c$ and $PA_s$:

(1) The minimum width of each wing tank or space, either of which extends for the full depth of the vessel's side or from the main deck to the top of the double bottoms is 2 meters or more. The width is measured inboard from the vessel's side shell plating at right angles to the vessel's center line. If a wing tank or space has a width anywhere within it that is less than 2 meters, that wing tank or space is not used when calculating $PA_c$.

(2) The minimum vertical depth of each double bottom tank or space is B/15 or 2 meters, whichever is smaller. If a double bottom tank or space has a depth less than B/15 or 2 meters, whichever is smaller, anywhere within it, the double bottom or space is not to be used when calculating $PA_s$.

(3) The minimum width of a wing tank or space is not measured in the way of—

(i) the turn of the bilge area; or

(ii) a rounded gunwale area.

(4) The minimum depth of a double bottom tank or space is not measured in the way of the turn of the bilge area.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43716, June 30, 1980]

### APPENDIX D—EXAMPLE OF A PROCEDURE FOR DEDICATED CLEAN BALLAST TANKS OPERATIONS

1. *Source.* The example procedure for dedicated clean ballast tanks operation contained in this appendix conforms to the Annex of Resolution 14 of the MARPOL Protocol.

2. *Example Procedure.* Dedicated clean ballast tanks operational procedure:

(a) Before arrival at the loading port:

(1) Transfer all remaining slop to a cargo tank.

(2) Ensure that the pumping and piping designated for clean ballast operation have been properly cleaned to accommodate simultaneous discharge of clean ballast while loading.

(3) Ensure that all valves to the slop tank and the cargo tanks are closed.

(4) Perform visual inspection of all dedicated clean ballast tanks and their contents, if any, for signs of contamination.

(5) Discharge a sufficient amount of clean ballast water to ensure that remaining ballast water and cargo to be loaded will not exceed the permissible deadweight or draft. Leave a sufficient amount of water for flushing the piping, and as a minimum, a quantity equal to 10 times the volume of the affected piping.

(6) Ensure that all valves to the dedicated clean ballast tanks are closed.

(7) If no further ballast discharge is anticipated, drain the clean ballast piping.

(b) In the loading port:

(1) Perform normal loading operations of cargo tanks.

(2) Ensure sufficient slop tank capacity is available for subsequent reception of cargo pump and piping flushings.

(3) When applicable, discharge remaining clean ballast before entire piping system is used for loading. Leave the required minimum quantity of flushing water in ballast tanks.

(4) Ensure that all valves to the dedicated clean ballast tanks are closed.

(5) Ensure that all valves to the cargo tank are closed upon completion of loading.

(c) After departure from the loading port:

(1) Flush appropriate pumping and piping with sufficient water from dedicated clean ballast tanks into a slop tank.

(2) Ensure that valves to the slop tank are closed before pumping the remaining clean water overboard and monitoring oil content of the water.

(3) Ensure that all valves in the dedicated clean ballast tanks are closed.

(d) Before arrival at the unloading port:

(1) Ensure that all valves to the slop tank and cargo tanks are closed.

(2) Recheck that the pumping and piping designated for clean ballast operation have been properly cleaned.

(3) Ballast through clean cargo pumps and piping, considering the port's draft requirements.

(4) Ensure that all valves in the dedicated clean ballast tanks are closed.

(e) In the unloading port:

(1) Allocate pumping and piping intended for clean ballast operation.

(2) Perform normal unloading operations.

(3) As soon as draft conditions permit, complete ballasting to departure conditions.

(4) Ensure that all valves to the dedicated clean ballast tanks are closed.

(5) Complete unloading.

(f) After departure from the unloading port:

(1) Flush pumps and piping servicing the dedicated clean ballast tanks into the slop tank.

(2) Top up dedicated clean ballast tanks.

(3) Process the slop tank content in accordance with load on top (LOT) procedures.

(92 Stat. 1480, sec. 5, Port and Tanker Safety Act of 1978, 46 U.S.C. 391a); 49 CFR 1.46(n)(4))

[CGD 77-058b, 45 FR 43717, June 30, 1980]

## PART 159—MARINE SANITATION DEVICES

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Authority: Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322(b)(1)); 49 CFR 1.45(b) and 1.46(l) and (m).

Source: CGD 73-83, 40 FR 4624, Jan. 30, 1975, unless otherwise noted.

## Subpart A—General

### § 159.1 Purpose.

This part prescribes regulations governing the design and construction of marine sanitation devices and procedures for certifying that marine sanitation devices meet the regulations and the standards of the Environmental Protection Agency promulgated under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322), to eliminate the discharge of untreated sewage from vessels into the waters of the United States, including the territorial seas. Subpart A of this part contains regulations governing the manufacture and operation of vessels equipped with marine sanitation devices.

### § 159.3 Definitions.

In this part:

(a) "Coast Guard" means the Commandant or his authorized representative.

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pouring, pumping, emitting, emptying, or dumping.

(c) "Existing vessel" includes any vessel, the construction of which was initiated before January 30, 1975.

(d) "Inspected vessel" means any vessel that is required to be inspected under 46 CFR Chapter I.

(e) "Manufacturer" means any person engaged in manufacturing, assembling, or importing of marine sanitation devices or of vessels subject to the standards and regulations promulgated under section 312 of the Federal Water Pollution Control Act.

(f) "Marine sanitation device" and "device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

(g) "New vessel" includes any vessel, the construction of which is initiated on or after January 30, 1975.

(h) "Person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

(i) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(j) "Recognized facility" means any laboratory or facility listed by the Coast Guard as a recognized facility under this part.

(k) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(l) "Territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles.

(m) "Uninspected vessel" means any vessel that is not required to be inspected under 46 CFR Chapter I.

(n) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(o) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the United States.

(p) "Fecal coliform bacteria" are those organisms associated with the intestine of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

(q) "Type I marine sanitation device" means a device that, under the test conditions described in §§ 159.123 and 159.125, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids.

(r) "Type II marine sanitation device" means a device that, under the test conditions described in §§ 159.126 and 159.126a, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

(s) "Type III marine sanitation device" means a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975 as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

**§ 159.5 Requirements for vessel manufacturers.**

(a) On and after January 30, 1977, no manufacturer may manufacture for sale, offer for sale, or distribute for sale or resale any new vessel equipped with installed toilet facilities unless it is equipped with an operable Type I, II, or III device that has a label placed on it under § 159.16, or that is certified under §§ 159.12 or 159.12a.

(b) After January 30, 1980, no manufacturer may manufacture for sale, or offer for sale, or distribute for sale or resale any new vessel equipped with installed toilet facilities unless it is equipped with—

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under §§ 159.12 or 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1980, that has a label placed on it under § 159.16 or that is certified under § 159.12.

(c) After January 30, 1980, no manufacturer may sell, offer for sale, or distribute for sale or resale any existing vessel equipped with installed toilet facilities unless it is equipped with—

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under §§ 159.12 or 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

[CGD 75-213, 41 FR 15326, Apr. 12, 1976 as amended by CGD 76-145, 42 FR 11, Jan. 3, 1977]

**§ 159.7 Requirements for vessel operators.**

(a) On and after January 30, 1977, no person may operate any new vessel equipped with installed toilet facilities, unless it is equipped with an operable Type I, II or III device that has a label placed on it under § 159.16, or that is certified under § 159.12 or § 159.12a.

(b) After January 30, 1980, no person may operate any new vessel equipped with installed toilet facilities unless it is equipped with—

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under §§ 159.12 or 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1980, that has a label placed on it under § 159.16 or that is certified under § 159.12;

(c) After January 30, 1980, no person may operate any existing vessel equipped with installed toilet facilities unless it is equipped with—

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under §§ 159.12 or 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

NOTE: The EPA standards state that in freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. The EPA standards further state that this shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges. They also state that waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and interconnected waterways, freshwater lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation (40 CFR 140.3).

[CGD 75-213, 41 FR 15325, Apr. 12, 1976, as amended by CGD 76-145, 42 FR 11, Jan. 3, 1977]

## Subpart B—Certification Procedures

### § 159.11 Purpose.

This subpart prescribes procedures for certification of marine sanitation devices and authorization for labels on certified devices.

### § 159.12 Regulations for certification of existing devices.

(a) The purpose of this section is to provide regulations for certification of existing devices until manufacturers can design and manufacture devices that comply with this part and recognized facilities are prepared to perform the testing required by this part.

(b) Any Type III device that was installed on an existing vessel before January 30, 1975, is considered certified.

(c) Any person may apply to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20593 for certification of a marine sanitation device manufactured before January 30, 1976. The Coast Guard will issue a letter certifying the device if the applicant shows that the device meets § 159.53 by:

(1) Evidence that the device meets State standards at least equal to the standards in § 159.53, or

(2) Test conducted under this part by a recognized laboratory, or

(3) Evidence that the device is substantially equivalent to a device certified under this section, or

(4) A Coast Guard field test if considered necessary by the Coast Guard.

(d) The Coast Guard will maintain and make available a list that identifies each device certified under this section.

(e) Devices certified under this section in compliance with § 159.53 need not meet the other regulations in this part and may not be labeled under § 159.16.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

### § 159.12a Certification of certain Type III devices.

(a) The purpose of this section is to provide regulations for certification of certain Type III devices.

(b) Any Type III device is considered certified under this section if—

(1) It is used solely for the storage of sewage and flushwater at ambient air pressure and temperature; and

(2) It is in compliance with § 159.3(c).

(c) Any device certified under this section need not comply with the other regulations in this part except as required in paragraphs (b)(2) and (d) of this section and may not be labeled under § 159.16.

(d) Each device certified under this section which is installed aboard an inspected vessel must comply with § 159.97.

[CGD 76-145, 42 FR 11, Jan. 3, 1977]

### § 159.14 Application for certification.

(a) Any manufacturer may apply to any recognized facility for certification of a marine sanitation device. The application for certification must indicate whether the device will be used aboard all vessels or only aboard uninspected vessels and to which standard in § 159.53 the manufacturer requests the device to be tested.

(b) An application may be in any format but must be in writing and must be signed by an authorized representative of the manufacturer and include or be accompanied by:

(1) A complete description of the manufacturer's production quality control and inspection methods, record keeping systems pertaining to the manufacture of marine sanitation devices, and testing procedures;

(2) The design for the device, including drawings, specifications and other information that describes the materials, construction and operation of the device;

(3) The installation, operation, and maintenance instructions for the device; and

(4) The name and address of the applicant and the manufacturing facility.

(c) The manufacturer must furnish the recognized facility one device of each model for which certification is requested and samples of each material from which the device is constructed, that must be tested destructively under § 159.117. The device furnished is for the testing required by this part except that, for devices that are not suited for unit testing, the manufacturer may submit the design so that the recognized facility may determine the components of the device and materials to be submitted for testing and the tests to be performed at a place other than the facility. The Coast Guard must review and accept all such determinations before testing is begun.

(d) At the time of submittal of an application to a recognized facility the manufacturer must notify the Coast Guard of the type and model of the device, the name of the recognized facility to which application is being made, and the name and address of the manufacturer, and submit a signed statement of the times when the manufacturer will permit designated officers and employees of the Coast Guard to have access to the manufacturer's facilities and all records required by this part.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975 as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

### § 159.15 Certification.

(a) The recognized facility must evaluate the information that is submitted by the manufacturer in accordance with § 159.14(b) (1), (2), and (3), evaluate the device for compliance with § 159.53 through § 159.95, test the device in accordance with § 159.101 and submit to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20593 the following:

(1) The information that is required under § 159.14(b);

(2) A report on compliance evaluation;

(3) A description of each test;

(4) Test results; and

(5) A statement, that is signed by the person in charge of testing, that the test results are accurate and complete.

(b) The Coast Guard certifies a test device, on the design of the device, if it determines, after consideration of the information that is required under paragraph (a) of this section, that the device meets the requirements in Subpart C of this part.

(c) The Coast Guard notifies the manufacturer and recognized facility of its determination under paragraph (b) of this section. If the device is certified, the Coast Guard includes a certification number for the device. If certification is denied, the Coast Guard notifies the manufacturer and recognized facility of the requirements of this part that are not met. The manufacturer may appeal a denial to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20593.

(d) If upon re-examination of the test device, the Coast Guard determines that the device does not in fact comply with the requirements of Subpart C of this part, it may terminate the certification.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

### § 159.16 Authorization to label devices.

(a) When a test device is certified under § 159.15(b), the Coast Guard will issue a letter that authorizes the manufacturer to label each device that he manufactures with the manufacturer's certification that the device is in all material respects substantially the same as a test device certified by the U.S. Coast Guard pursuant to section 312 of the Federal Water Pollution Control Act Amendments of 1972.

(b) Certification placed on a device by its manufacturer under this section is the certification required by section 312(h)(4) of the Federal Water Pollution Control Act Amendments of 1972, which makes it unlawful for a vessel that is subject to the standards and regulations promulgated under the Act to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to section 312 of the Act.

(c) Letters of authorization issued under this section are valid for 5 years, unless sooner suspended, withdrawn, or terminated and may be reissued upon written request of the manufacturer to whom the letter was issued.

(d) The Coast Guard, in accordance with the procedure in 46 CFR 2.75, may suspend, withdraw, or terminate any letter of authorization issued under this section if the Coast Guard finds that the manufacturer is engaged in the manufacture of devices labeled under this part that are not in all material respects substantially the same as a test device certified pursuant to this part.

### § 159.17 Changes to certified devices.

(a) The manufacturer of a device that is certified under this part shall notify the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20593 in writing of any change in the design of the device.

(b) A manufacturer shall include with a notice under paragraph (a) of this section a description of the change, its advantages, and the recommendation of the recognized facility as to whether the device remains in all material respects substantially the same as the original test device.

(c) After notice under paragraph (a) of this section, the Coast Guard notifies the manufacturer and the recognized facility in writing of any tests that must be made for certification of the device or for any change in the letter of authorization. The manufacturer may appeal this determination to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20593.

### § 159.19 Testing equivalency.

(a) If a test required by this part may not be practicable or necessary, a manufacturer may apply to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20593 for deletion or approval of an alternative test as equivalent to the test requirements in this part. The application must include the manufacturer's justification for deletion or the alternative test and any alternative test data.

(b) The Coast Guard notifies the manufacturer of its determination under paragraph (a) of this section and that determination is final.

## Subpart C—Design, Construction, and Testing

### § 159.51 Purpose and scope.

(a) This subpart prescribes regulations governing the design and construction of marine sanitation devices.

(b) Unless otherwise authorized by the Coast Guard each device for which certification under this part is requested must meet the requirements of this subpart.

### § 159.53 General requirements.

A device must:

(a) Under the test conditions described in §§ 159.123 and 159.125, produce an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids (Type I),

(b) Under the test conditions described in §§ 159.126 and 159.126a, produce an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter (Type II), or

(c) Be designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage (Type III).

[CGD 73-83, 40 FR 4624, Jan. 30, 1975 as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

### § 159.55 Identification.

(a) Each production device must be legibly marked in accordance with paragraph (b) of this section with the following information:

(1) The name of the manufacturer.

(2) The name and model number of the device.

(3) The month and year of completion of manufacture.

(4) Serial number.

(5) Whether the device is certified for use on an inspected or an uninspected vessel.

(6) Whether the device is Type I, II, or III.

(b) The information required by paragraph (a) of this section must appear on a nameplate attached to the device or in lettering on the device. The nameplate or lettering stamped on the device must be capable of withstanding without loss of legibility the combined effects of normal wear and tear and exposure to water, salt spray, direct sunlight, heat, cold, and any substance listed in § 159.117(b) and (c). The nameplate and lettering must be designed to resist efforts to remove them from the device or efforts to alter the information stamped on the nameplate or the device without leaving some obvious evidence of the attempted removal or alteration.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

### § 159.57 Installation, operation, and maintenance instructions.

(a) The instructions supplied by the manufacturer must contain directions for each of the following:

(1) Installation of the device in a manner that will permit ready access to all parts of the device requiring routine service and that will provide any flue clearance necessary for fire safety.

(2) Safe operation and servicing of the device so that any discharge meets the applicable requirements of § 159.53.

(3) Cleaning, winter layup, and ash or sludge removal.

(4) Installation of a vent or flue pipe.

(5) The type and quantity of chemicals that are required to operate the device, including instructions on the proper handling, storage and use of these chemicals.

(6) Recommended methods of making required plumbing and electrical connections including fuel connections and supply circuit overcurrent protection.

(b) The instructions supplied by the manufacturer must include the following information:

(1) The name of the manufacturer.

(2) The name and model number of the device.

(3) Whether the device is certified for use on an inspected, or uninspected vessel.

(4) A complete parts list.

(5) A schematic diagram showing the relative location of each part.

(6) A wiring diagram.

(7) A description of the service that may be performed by the user without coming into contact with sewage or chemicals.

(8) Average and peak capacity of the device for the flow rate, volume, or number of persons that the device is capable of serving and the period of time the device is rated to operate at peak capacity.

(9) The power requirements, including voltage and current.

(10) The type and quantity of fuel required.

(11) The duration of the operating cycle for unitized incinerating devices.

(12) The maximum angles of pitch and roll at which the device operates in accordance with the applicable requirements of § 159.53.

(13) Whether the device is designed to operate in salt, fresh, or brackish water.

(14) The maximum hydrostatic pressure at which a pressurized sewage retention tank meets the requirements of § 159.111.

(15) The maximum operating level of liquid retention components.

(16) Whether the device is Type I, II, or III.

(17) A statement as follows:

NOTE: The EPA standards state that in freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. The EPA standards further state that this shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges. They also state that waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and interconnected waterways, freshwater lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation (40 CFR 140.3).

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

### § 159.59 Placard.

Each device must have a placard suitable for posting on which is printed the operating instructions, safety precautions, and warnings pertinent to the device. The size of the letters printed on the placard must be one-eighth of an inch or larger.

### § 159.61 Vents.

Vents must be designed and constructed to minimize clogging by either the contents of the tank or climatic conditions such as snow or ice.

### § 159.63 Access to parts.

Each part of the device that is required by the manufacturer's instructions to be serviced routinely must be readily accessible in the installed position of the device recommended by the manufacturer.

### § 159.65 Chemical level indicator.

The device must be equipped with one of the following:

(a) A means of indicating the amount in the device of any chemical that is necessary for its effective operation.

(b) A means of indicating when chemicals must be added for the proper continued operation of the device.

### § 159.67 Electrical component ratings.

Electrical components must have current and voltage ratings equal to or greater than the maximum load they may carry.

### § 159.69 Motor ratings.

Motors must be rated to operate at 50° C ambient temperature.

### § 159.71 Electrical controls and conductors.

Electrical controls and conductors must be installed in accordance with good marine practice. Wire must be copper and must be stranded. Electrical controls and conductors must be protected from exposure to chemicals and sewage.

### § 159.73 Conductors.

Current carrying conductors must be electrically insulated from non-current carrying metal parts.

### § 159.75 Overcurrent protection.

Overcurrent protection must be provided within the unit to protect subcomponents of the device if the manufacturer's recommended supply circuit overcurrent protection is not adequate for these subcomponents.

### § 159.79 Terminals.

Terminals must be solderless lugs with ring type or captive spade ends, must have provisions for being locked against movement from vibration, and must be marked for identification on the wiring diagram required in § 159.57. Terminal blocks must be nonabsorbent and securely mounted. Terminal blocks must be provided with barrier insulation that prevents contact between adjacent terminals or metal surfaces.

**§ 159.81 Baffles.**

Baffles in sewage retention tanks, if any, must have openings to allow liquid and vapor to flow freely across the top and bottom of the tank.

**§ 159.83 Level indicator.**

Each sewage retention device must have a means of indicating when the device is more than ¾ full by volume.

**§ 159.85 Sewage removal.**

The device must be designed for efficient removal of nearly all of the liquid and solids in the sewage retention tank.

**§ 159.87 Removal fittings.**

If sewage removal fittings or adapters are provided with the device, they must be of either 1½" or 4" nominal pipe size.

**§ 159.89 Power interruption: Type I and II devices.**

A discharge device must be designed so that a momentary loss of power during operation of the device does not allow a discharge that does not meet the requirements in § 159.53.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

**§ 159.93 Independent supporting.**

The device must have provisions for supporting that are independent from connecting pipes.

**§ 159.95 Safety.**

(a) Each device must—

(1) Be free of design defects such as rough or sharp edges that may cause bodily injuries or that would allow toxic substances to escape to the interior of the vessel;

(2) Be vented or provided with a means to prevent an explosion or over pressurization as a result of an accumulation of gases; and

(3) Meet all other safety requirements of the regulations applicable to the type of vessel for which it is certified.

(b) A chemical that is specified or provided by the manufacturer for use in the operation of a device and is defined as a hazardous material in 46 CFR Part 146 must be certified by the procedures in 46 CFR Part 147.

(c) Current carrying components must be protected from accidental contact by personnel operating or routinely servicing the device. All current carrying components must as a minimum be of drip-proof construction or be enclosed within a drip-proof compartment.

**§ 159.97 Safety: inspected vessels.**

The Commandant approves the design and construction of devices to be certified for installation and operation on board inspected vessels on the basis of tests and reports of inspection under the applicable marine engineering requirements in Subchapter F of Title 46, Code of Federal Regulations, and under the applicable electrical engineering requirements in Subchapter J of Title 46 Code of Federal Regulations.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

**§ 159.101 Testing: general.**

Unless otherwise authorized by the Coast Guard, a recognized facility must perform each test described in §§ 159.103 through 159.131. The same device must be used for each test and tested in the order in which the tests are described. There must be no cracking, softening, deterioration, displacement, breakage, leakage or damage of components or materials that affects the operation or safety of the device after each test described in §§ 159.103 through 159.117 and § 159.121, and the device must remain operable after the test described in § 159.119. The device must be set up in a manner simulating installation on a vessel in accordance with the manufacturer's instructions with respect to mounting, water supply, and discharge fittings.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

**§ 159.103 Vibration test.**

The device, with liquid retention components, if any, filled with water to one-half of their volume, must be subjected to a sinusoidal vibration for a period of 12 hours, 4 hours in each of the x, y, and z planes, at the resonant frequency of the device (or at 55 cycles per second if there is no resonant frequency between 10 to 60 hertz) and with a peak amplitude of 0.019 to 0.021 inches.

### § 159.105 Shock test.

The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 1,000 vertical shocks that are ten times the force of gravity (10g) and have a duration of 20-25 milliseconds measured at the base of the half-sine shock envelope.

### § 159.107 Rolling test.

(a) The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 100 cycles with the axis of rotation 4 feet from the centerline of the device, no more than 6 inches below the plane of the bottom of the device, and parallel to any tank baffles. The device must then be rotated 90 degrees on its vertical axis and subjected to another 100 cycles. This testing must be repeated with the liquid retention components filled to the maximum operating level as specified by the manufacturer in § 159.57.

(b) Eighty percent of the rolling action must be approximately 15 degrees on either side of the vertical and at a cyclic rate of 3 to 4 seconds. Twenty percent motions must be approximately 30 degrees, or the maximum angle specified by the manufacturer under § 159.57, whichever is greater, on either side of the vertical at a cyclic rate of 6 to 8 seconds.

### § 159.109 Pressure test.

Any sewage retention tank that is designed to operate under pressure must be pressurized hydrostatically at a pressure head of 7 feet or to 150 percent of the maximum pressure specified by the manufacturer for operation of the tank, whichever is greater. The tank must hold the water at this pressure for 1 hour with no evidence of leaking.

### § 159.111 Pressure and vacuum pulse test.

Liquid retention components of the device with manufacturer specified venting installed must be subjected to 50 fillings of water at a pressure head of 7 feet or the maximum pressure specified by the manufacturer for operation of the device, whichever is greater, and then emptied with a 45 gallon per minute or larger positive displacement pump that remains in operation 30 seconds after emptying the tank at the end of each cycle.

### § 159.115 Temperature range test.

(a) The device must be held at a temperature of 60° C or higher for a period of 16 hours.

(b) The device must be held at a temperature of −40° C or less for a period of 16 hours following winterization in accordance with manufacturers' instructions.

### § 159.117 Chemical resistance test.

(a) In each case where the recognized facility doubts the ability of a material to withstand exposure to the substances listed in paragraphs (b) and (c) of this section a sample of the material must be tested.

(b) A sample referred to in paragraph (a) of this section must be partially submerged in each of the following substances for 100 hours at an ambient temperature of 22° C.

(1) Sewage.

(2) Any disinfectant that is required in the operation of the device.

(3) Any chemical compound in solid, liquid or gaseous form, used, emitted or produced in the operation of the device.

(4) Fresh or salt (3.5 percent Sodium Chloride) flush water.

(5) Toilet bowl cleaners.

(6) Engine Oil (SAE/30).

(7) Ethylene Glycol.

(8) Detergents (household and bilge cleaning type).

(c) A sample of the material must be doused 20 times, with a 1 hour drying period between dousings, in each of the following substances:

(1) Gasoline.

(2) Diesel fuel.

(3) Mineral spirits.

(4) Turpentine.

(5) Methyl alcohol.

### § 159.119 Operability test: temperature range.

The device must operate in an ambient temperature of 5° C with inlet operating fluid temperature varying from 2° C to 32° C and in an ambient temperature of 50° C with inlet operating fluid temperature varying from 2° C to 32° C.

### § 159.121 Sewage processing test.

(a) The device must process human sewage in the manner for which it is designed when tested in accordance with this section. There must be no sewage or sewage-treating chemicals remaining on surfaces or in crevices that could come in contact with a person using the device or servicing the device in accordance with the instructions supplied under § 159.57(b)(7).

(b) During the test the device must be operated and maintained in accordance with the manufacturer's instructions. Any initial start-up time specified by the manufacturer must be allowed before test periods begin. For 1 hour of each 8-hour test period, the device must be tilted to the maximum angles specified by the manufacturer under §§ 159.55 and 159.57.

(c) Except for devices described in paragraph (d) of this section, the devices must process and discharge or store human sewage over at least an 8-consecutive hour period on at least 10 days within a 20-day period. The device must receive human sewage consisting of fecal matter, urine, and toilet paper in a ratio of four urinations to one defecation with at least one defecation per person per day. Devices must be tested at their average rate of capacity as specified in § 159.57. In addition, during three periods of each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity.

(d) A device that processes and discharges continuously between individual use periods or a large device, as determined by the Coast Guard, must process and discharge sewage over at least 10-consecutive days at the average daily capacity specified by the manufacturer. During three periods of each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity. The sewage for this test must be fresh, domestic sewage to which primary sludge has been added, as necessary, to create a test sewage with a minimum of 500 miligrams of suspended solids per liter.

### § 159.123 Coliform test: Type I devices.

(a) The arithmetic mean of the fecal coliform bacteria in 38 of 40 samples of effluent discharged from a Type I device during the test described in § 159.121 must be less than 1000 per 100 milliliters when tested in accordance with 40 CFR, Part 136.

(b) The 40 samples must be taken from the device as follows: During each of the 10-test days, one sample must be taken at the beginning, middle, and end of an 8-consecutive hour period with one additional sample taken immediately following the peak capacity processing period.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

### § 159.125 Visible floating solids: Type I devices.

During the sewage processing test (§ 159.121) 40 effluent samples of approximately 1 liter each shall be taken from a Type I device at the same time as samples taken in § 159.123 and passed expeditiously through a U.S. Sieve No. 12 as specified in ASTM E-11-70. The weight of the material retained on the screen after it has been dried to a constant weight in an oven at 103° C. must be divided by the volume of the sample and expressed as milligrams per liter. This value must be 10 percent or less of the total suspended solids as determined in accordance with 40 CFR, Part 136 or at least 38 of the 40 samples.

NOTE: 33 U.S.C. 1321(b)(3) prohibits discharge of harmful quantities of oil into or upon the navigable waters of the United States or adjoining shorelines or into or upon the waters of the contiguous zone. Under 40 CFR 110.3 and 110.4 such discharges of oil include discharges which:

(a) Violate applicable water quality standards, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If a sample contains a quantity of oil determined to be harmful, the Coast Guard will not certify the device.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

### § 159.126 Coliform test: Type II devices.

(a) The arithmetic mean of the fecal coliform bacteria in 38 of 40 samples of effluent from a Type II device during the test described in § 159.121 must be 200 per 100 milliliters or less when tested in accordance with 40 CFR, Part 136.

(b) The 40 samples must be taken from the device as follows: During each of the 10 test days, one sample must be taken at the beginning, middle and end of an 8-consecutive hour period with one additional sample taken immediately following the peak capacity processing period.

[CGD 75-213, 41 FR 15326, Apr. 12, 1976]

### § 159.126a Suspended Solids Test: Type II devices.

During the sewage processing test (§ 159.121) 40 effluent samples must be taken at the same time as samples are taken for § 159.126 and they must be analyzed for total suspended solids in accordance with 40 CFR, Part 136. The arithmetic mean of the total suspended solids in 38 of 40 of these samples must be less than or equal to 150 milligrams per liter.

[CGD 75-213, 41 FR 15326, Apr. 12, 1976]

### § 159.127 Safety Coliform count: Recirculating devices.

Thirty-eight of forty samples of flush fluid from a recirculating device must have less than 240 fecal coliform bacteria per 100 milliliters. These samples must be collected in accordance with § 159.123(b) and tested in accordance with 40 CFR Part 136.

[CGD 73-83, 40 FR [illegible]24, Jan. 30, 1975, as amended by CGD 7[illegible]13, 41 FR 15326, Apr. 12, 1976]

### § 159.129 Safety: Ignition prevention test.

(a) Components of a device that are a potential ignition source in an explosive atmosphere must pass the test in paragraph (b) or (c) of this section or meet the requirements of paragraph (d) or have a specific warning in the instruction manual required by § 159.57 that the device should not be installed in an explosive atmosphere.

(b) Components protected by vapor exclusion must be placed in a chamber filled with a rich mixture of gasoline or propane in air with the pressure being varied from 0 to 2 psig once an hour for 8 hours. Vapor readings must be taken in the void being protected and must indicate a leakage less than 20 percent of the lower explosive limit of the mixture in the chamber.

(c) Components providing ignition protection by means other than vapor exclusion must be fitted with an ignition source, such as a spark plug, and a means of injecting an explosive mixture of gasoline or propane and air into the void that protects the component. Connections must be made so as to minimize any additional volume added to the protected void by the apparatus delivering the explosive mixture. The component must be placed in a chamber filled with an explosive mixture and there must be no ignition of the explosive mixture surrounding the component when the following tests are conducted:

(1) Using any overload protection that is part of the device, the potential ignition source must be operated for one half hour at 110 percent of its rated voltage, one half hour at 50 percent of its rated voltage and one half hour at 100 percent of its rated voltage with the motor or armature locked, if the potential ignition source is a motor or part of a motor's electrical circuit.

(2) With the explosive mixture in the protected void, the test installed ignition source must be activated 50 times.

(3) The tests (1) and (2) must be repeated with any plugs removed.

(d) Components that are certified as being intrinsically safe in accordance with the Instrument Society of America (RP 12.2) or explosion proof in accordance with the Underwriters Laboratories STD 698 in Class I, Group D hazardous locations (46 CFR 111.80-5(a)) need not be subjected to this testing.

### § 159.131 Safety: Incinerating device.

An incinerating device must not incinerate unless the combustion chamber is closed, must purge the combustion chamber of combustible fuel vapors before and after incineration must secure automatically if the burner does not ignite, must not allow an accumulation of fuel, and must neither produce a temperature on surfaces adjacent to the incineration chamber higher than 67° C nor produce a temperature on surfaces in normal body contact higher than 41° C when operating in an ambient temperature of 25° C. Unitized incineration devices must completely burn to a dry, inert ash, a simultaneous defecation and urination and must not discharge fly ash, malodors, or toxic substances.

## Subpart D—Recognition of Facilities

### § 159.201 Application.

(a) To apply for listing as a recognized facility under this part, a facility must apply to the Commandant (G-MMT/82), U.S. Coast Guard Headquarters, Washington, D.C. 20593 and include:

(1) Name and address;

(2) A description of the applicant's capability to perform the tests and evaluations that are required by this part, including information on personnel qualifications, equipment, materials, and facilities; and

(3) A signed statement that the Coast Guard may inspect the facility to verify its qualification and inspect the records on certification of marine sanitation devices.

(b) An applicant under paragraph (a) of this section must submit any other information the Coast Guard requests for the determination of the facilities's qualification as a recognized facility.

### § 159.205 Criteria for recognition.

To qualify for and retain recognition as a recognized facility, a facility must meet the criteria in this section.

(a) The facility must maintain an organization chart that shows the personnel structure and the relationship between administration, operation, and quality control for the testing of marine sanitation devices.

(b) The facility must maintain a quality control program and a quality control manual that describes that program and the responsibilities of personnel for the testing of marine sanitation devices, including:

(1) Receiving, handling, and shipping procedures;

(2) Test procedures;

(3) The calibration system;

(4) The test report system;

(5) Certification procedures and standards;

(6) The record and filing system; and

(7) The standards and filing system for subcontracts.

(c) The facility must maintain a master file that contains the Coast Guard standards, reference standards, and the facility's test standards that apply to the testing of marine sanitation devices.

(d) The facility must maintain the shipping and receiving information for each device, including—

(1) The date of receipt;

(2) The name of the manufacturer;

(3) The type of device;

(4) A record of the visible condition of the device upon receipt; and

(5) Any other information that is necessary to accurately record and positively identify each device that is received.

(e) The facility must follow written procedures for tests of devices. These written procedures must be available for examination upon the request of the Coast Guard.

(f) The facility must maintain data sheets and test equipment lists for all inspections and tests of devices. These must be in sufficient detail for complete verification and evaluation of the operations and objectives, including:

(1) The date and name of the test, the name of the supervising engineer, the manufacturer and description of the test device;

(2) A detailed explanation of the results of each phase of tests and any unusual occurrences; and

(3) The signature of the technician who performs each test.

(g) The facility must maintain a list of the test equipment that it uses and the date of the last calibration of that equipment.

(h) The facility must maintain and document a calibration program and ensure the degree of accuracy as follows:

(1) The accuracy of all measurement instrument standards must be traceable to the primary standards of the National Bureau of Standards. This traceability may be through reference standards that are certified for accuracy and stability by the National Bureau of Standards.

(2) The normal accuracy of the reference standard must be at least four times as great as that of the facility's instrument that is being calibrated. All equipment must be calibrated at least once a year or in accordance with the recommended schedule of the instrument manufacturer of the National Bureau of Standards.

(3) The facility must maintain documentation of the calibration standards and test equipment.

(4) If the facility performs its own calibration, it must maintain written calibration procedures, maintenance information, a record of the values that are recorded during calibration, and the standards and equipment that are used for the calibration.

(5) If the facility does not perform its own calibration, it is responsible for the accuracy of the calibrations.

(i) The facility must have no conflict of interest. The Coast Guard's determination on the conflict of interest questions is final. Except as provided in paragraph (j) of this section, conflict of interest is defined as follows:

(1) The loss or award of a specific contract to test marine sanitation devices is not a substantial factor for the financial well being of the facility;

(2) The facility's personnel are free of the influence or control of manufacturers, suppliers, or vendors; and

(3) The facility is not involved in the promotion of a marine sanitation device.

(j) If the uniqueness or size of a device requires testing by a facility that may not meet all the criteria for conflict of interest in paragraph (i) of this section, a manufacturer may apply to the Commandant (G-MMT/82), U.S. Coast Guard Washington, D.C. 20593 to allow the facility to conduct the tests.

(k) If a recognized facility subcontracts for any testing, it must apply to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20593 for authorization and include the justification for the subcontracting. The recognized facility is responsible for the accuracy and completeness of all tests by a subcontractor.

# SUBCHAPTER P—PORTS AND WATERWAYS SAFETY

## PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

### Subpart A—General

Sec.
160.1 Purpose.
160.3 Definitions.

Subpart B—Orders and Directions of the Captain of the Port and the District Commander

160.101 Applicability.
160.106 Waterfront safety.
160.111 Vessel operating requirements.
160.116 Denial of entry.
160.121 Compliance with directions and orders.
160.126 Withholding of clearance.
160.131 Appeals.

AUTHORITY: Sec. 12(a) of section 2, Pub. L. 95-474, 92 Stat. 1477 (33 USC 1231); 49 CFR 1.46(n)(4).

SOURCE: CGD 79-024, 44 FR 62892, Nov. 1, 1979, unless otherwise noted.

### Subpart A—General

**§ 160.1 Purpose.**

(a) This subchapter contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

**§ 160.3 Definitions.**

(a) For the purpose of this part:

(1) "Captain of the Port" means the Coast Guard officer commanding a Captain of the Port zone described in Part 3 of this chapter, or that person's authorized representative.

(2) "Commandant" means the Commandant of the Coast Guard or that person's authorized representative.

(3) "District Commander" means the Coast Guard officer commanding a Coast Guard District described in Part 3 of this chapter or that person's authorized representative.

(4) "Person" means an individual, firm, corporation, association, partnership, or governmental entity.

(5) "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and any other commonwealth, territory, or possession of the United States.

(6) "United States", when used in geographical context, means all the States thereof.

(7) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

### Subpart B—Orders and Directions of the Captain of the Port and District Commander

**§ 160.101 Applicability.**

(a) This subpart applies to any—

(1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(2) Bridge or other structure on or in the navigable waters of the United States; and

(3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(b) This subpart does not apply to any vessel on the Saint Lawrence Seaway or Panama Canal.

(c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

(1) Innocent passage through the territorial sea of the United States; or

(2) Transit through the navigable waters of the United States which form a part of an international strait.

**§ 160.106 Waterfront safety.**

(a) To prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may—

(1) Direct the handling, loading, unloading, storage, stowage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in Section 4417a of the Revised Statutes, as amended, (46 U.S.C. 391a) on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

### § 160.111 Vessel operating requirements.

(a) Each District Commander or Captain of the Port may direct any vessel to operate or anchor in the manner directed if—

(1) There is reasonable cause to believe the vessel is not in compliance with any regulation, law or treaty;

(2) The vessel does not satisfy the conditions for port entry specified in section 9 of the PWSA (33 U.S.C. 1228); or

(3) It is determined that such directive is justified in the interest of safety by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances or the condition of such vessel.

(b) Each District Commander or Captain of the Port may control vessel traffic in an area which is determined to be hazardous or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by issuing orders—

(1) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2) Establishing vessel traffic routing schemes;

(3) Establishing vessel size, speed, draft limitations, and operating conditions; and

(4) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

### § 160.116 Denial of entry.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States to any vessel not in compliance with the provisions of the Ports and Waterways Safety Act (33 U.S.C. 1221-32) or the regulations issued thereunder.

### § 160.121 Compliance with directions and orders.

(a) Each person who has notice of the terms of an order or direction issued under §§ 160.106, 160.111, or 160.116 shall comply with that order.

### § 160.126 Withholding of clearance.

(a) Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

### § 160.131 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the action was taken. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the District Commander may stay the effect of the action being appealed while the ruling is being reviewed. The District Commander issues a ruling after reviewing the appeal submitted under this paragraph.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, D.C. 20593. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the Chief, Office of Marine Environment and Systems, may stay the effect of the action being appealed while the ruling is being reviewed. The Chief, Marine Environment and Systems, issues a ruling after reviewing the appeal submitted under this paragraph.

(d) Any decision made by the Chief, Office of Marine Environment and Systems, under the procedure contained in paragraph (c) of this section is final agency action.

(e) If the delay in presenting a written appeal would have a significant adverse impact on the appellant, the appeal under paragraph (b) or (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the oral presentation was made containing, at a minimum, the basis for the appeal and a summary of the material presented orally.

# PART 161—VESSEL TRAFFIC MANAGEMENT

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## Subpart A—Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

AUTHORITY: Sec. 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4).

SOURCE: CGD 75-238, 44 FR 63676, Nov. 5, 1979, unless otherwise noted.

**§ 161.1 Applicability and exceptions to applicability.**

(a) This subpart prescribes notification requirements for U.S. and foreign vessels bound for or departing from ports or places in the United States.

(b) This subpart does not apply to boats under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451, et seq.) and, except § 161.15, does not apply to passenger and supply vessels when they are employed in the exploration for or in the exploitation of oil, gas, or mineral resources on the continental shelf.

(c) Sections 161.7 and 161.9 do not apply to the following:

(1) Each vessel of less than 1600 gross tons.

(2) Each vessel operating exclusively within a Captain of the Port zone.

(3) Each vessel operating upon a route that is described in a schedule that is submitted to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule and contains:

(i) Name and country of registry of the vessel;

(ii) Each port or place of destination; and

(iii) Dates and times of arrivals and departures at those ports or places.

(4) Each vessel arriving at a port or place under force majeure.

(5) Each vessel entering a port of call in the United States in compliance with the Automated Mutual Assistance Vessel Rescue System (AMVER).

(6) Each vessel entering a port of call in the United States in compliance with the U.S. Flag Merchant Vessel Locator Filing System (USMER).

(7) Each barge.

(8) Each public vessel.

(d) Sections 161.7, 161.11 and 161.13 do not apply to each vessel upon the waters of the Mississippi River between its source and mile 235 AHP and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

## § 161.3 Definitions.

As used in this subpart:

(a) "Agent" means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

(b) "Carried in bulk" means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

(c) "Certain dangerous cargo" includes any of the following:

(1) Class A explosives, as defined in 46 CFR 146.20-7 and 49 CFR 173.53.

(2) Oxidizing materials or blasting agents for which a permit is required under 49 CFR 176.415.

(3) Large quantity radioactive material, as defined in 49 CFR 173.389(b), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.389(a)(3).

(4) Each cargo under Table I of 46 CFR Part 153 when carried in bulk.

(5) Any of the following when carried in bulk:

Acetaldehyde
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Chlorine
Ethane
Ethylene
Ethylene Oxide
Methane
Methyl Acetylene, Propadiene Mixture, Stabilized
Methyl Bromide
Methyl Chloride
Phosphorous, elemental
Propane
Propylene
Sulfur Dioxide
Vinly Chloride.

(d) "Hazardous condition" means any condition that could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable water of the United States. This condition could include but is not limited to, fire, explosion, grounding, leakage, damage, illness of a person on board, or a manning shortage.

(e) "Port or place of departure" means any port or place in which a vessel is anchored or moored.

(f) "Port or place of destination" means any port or place to which a vessel is bound to anchor or moor.

(g) "Public vessel" means a vessel owned by and being used in the public service of the United States. It does not include a vessel owned by the United States and engaged in a trade or commercial service or a vessel under contract or charter to the United States.

(h) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

### § 161.5 Waivers.

The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

### § 161.7 Notice of arrival: Vessels bound for ports or places in the United States.

(a) The owner, master, agent or person in charge of a vessel on a voyage of 24 hours or more shall report under paragraph (c) of this section at least 24 hours before entering the port or place of destination.

(b) The owner, master, agent, or person in charge of a vessel on a voyage of less than 24 hours shall report under paragraph (c) of this section before departing the port or place of departure.

(c) The Captain of the Port of the port or place of destination in the United States must be notified of:

(1) The name and country of registry of the vessel;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination: and

(4) The estimated time of arrival at the port or place.

If the estimated time of arrival changes by more than six hours from the latest reported time, the Captain of the Port must be notified of the correction as soon as the change is known.

### § 161.9 Notice of arrival: Vessels bound from the high seas for ports or places on the Great Lakes.

In addition to complying with the requirements of § 161.7, the owner, master, agent, or person in charge of a vessel bound from the high seas for any port or place of destination on Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, or adjacent port areas of these waters, shall notify the Commander, Ninth Coast Guard District, at least 24 hours before arriving at the Snell Locks, Massena, New York of:

(a) The name and country of registry of the vessel; and

(b) The estimated time of arrival at the Snell Locks, Massena, New York.

If the estimated time of arrival changes by more than six hours from the latest reported time, Commander, Ninth Coast Guard District must be notified of the correction as soon as the change is known.

### § 161.11 Notice of arrival: Vessels carrying certain dangerous cargo.

(a) The owner, master, agent, or person in charge of a vessel, except a barge, bound for a port or place in the United States carrying a certain dangerous cargo shall notify the Captain of the Port of the port or place of destination at least 24 hours before entering that port or place of:

(1) The name and country of registry of the vessel;

(2) The location of the vessel at the time of the report;

(3) The name of each certain dangerous cargo carried;

(4) The amount of each certain dangerous cargo carried;

(5) The stowage location of each certain dangerous cargo;

(6) The operational condition of the equipment under § 164.35 of this chapter;

(7) The name of the port or place of destination; and

(8) The estimated time of arrival at that port or place.

If the estimated time of arrival changes by more than six hours from the latest reported time, the Captain of the Port must be notified of the correction as soon as the change is known.

(b) The owner, master, agent, or person in charge of a barge bound for a port or place in the United States carrying a certain dangerous cargo shall report the information required in paragraph (a)(1) through (a)(8) of this section to the Captain of the Port of the port or place of destination at least 4 hours before entering that port or place.

### § 161.13 Notice of departure: Vessels carrying certain dangerous cargo.

(a) The owner, master, agent, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying a certain dangerous cargo shall notify the Captain of the Port of the port or place of departure at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival of:

(1) The name and country of the registry of the vessel;

(2) The name of each certain dangerous cargo carried;

(3) The amount of each certain dangerous cargo carried;

(4) The stowage location of each certain dangerous cargo carried;

(5) The operational condition of the equipment under § 164.34 of this chapter;

(6) The name of the port or place of departure; and

(7) The estimated time of departure from the port or place.

If the estimated time of departure changes by more than six hours from the latest reported time, the Captain of the Port must be notified of the correction as soon as the change is known.

(b) The owner, master, agent, or person in charge of a barge departing from a port or place in the United States for any other port or place and carrying a certain dangerous cargo shall report the information required in paragraph (a)(1) through (a)(7) of this section to the Captain of the Port of the port or place of departure at least 4 hours before departing unless this report was made within 2 hours after the barge's arrival.

### § 161.15 Notice of hazardous conditions.

Whenever there is a hazardous condition on board a vessel, the owner, master, agent, or person in charge shall immediately notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

## Subpart B—Vessel Traffic Services

AUTHORITY: Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 37 FR 21943, 49 CFR 1.46(o)(4), unless otherwise noted.[1]

SOURCE: CGD 73-158R, 39 FR 25431, July 10, 1974, unless otherwise noted.

### PUGET SOUND VESSEL TRAFFIC SERVICE

#### GENERAL RULES

### § 161.101 Purpose and applicability.

(a) This subpart prescribes rules for vessel operation in the Puget Sound vessel traffic service area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.101-161.111 and the TSS Rules in §§ 161.150-161.154 and § 161.156 (b) and (c) of this subpart apply to the operation of all vessels.

(c) The Communication Rules in §§ 161.120-161.136, the Vessel Movement Reporting Rules in § 161.142, the TSS Rule in § 161.156(a), and the Rosario Strait Rules in §§ 161.170-161.174 of this subpart apply only to the operation of—

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each commercial vessel of 26 feet or over in length engaged in towing

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[1] NOTE: Sections 106 and 107 of Pub. L. 92-340 (33 U.S.C. 1226-1227) prescribe civil and criminal penalties for violations of the rules in this part.

another vessel astern, alongside, or by pushing ahead; and

(4) Each dredge and floating plant.

(49 CFR 1.46(n)(4))

[CGD 73-158R, 39 FR 25431, July 10, 1974, as amended by CGD 75-173, 42 FR 29481, June 9, 1977]

### § 161.103 Definitions.

As used in this subpart—

(a) "Vessel traffic center" (VTC) means the shore based facility that operates the Puget Sound vessel traffic service.

(b) "Vessel traffic service area" (VTS Area) means the area described in § 161.180 of this part.

(c) "Traffic separation scheme" (TSS) means the network of traffic lanes, separation zones, and precautionary areas in the VTS Area.

(d) "Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction.

(e) "Separation zone" means an area of the TSS that is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart.

(f) "Precautionary area" means an area of the TSS at the entrance of one or more traffic lanes where vessel traffic converges from two or more directions.

(g) "Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

(h) "ETA" means estimated time of arrival.

(49 CFR 1.46(n)(4))

[CGD 73-158R, 39 FR 25431, July 10, 1974, as amended by CGD 75-173, 42 FR 29481, June 9, 1977]

### § 161.104 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in this subpart.

### § 161.105 Laws and regulations not affected.

Nothing in this subpart is intended to relieve any person from complying with—

(a) The Navigation Rules for Harbors, Rivers, and Inland Waters Generally (33 U.S.C. §§ 151-232);

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) Pilot Rules for Inland Waters (Part 80 of this chapter);

(d) Puget Sound gill net fishing rule (33 CFR 206.93);

(e) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451-1489); and

(f) Any other laws or regulations.

### § 161.107 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS Area.

(b) The master of a vessel in the VTS Area shall comply with each direction issued to him under this section.

### § 161.109 Authorization to deviate from these rules.

(a) The Commander, Thirteenth Coast Guard District may upon request issue an authorization to deviate from any rule in this subpart if he finds that the proposed operations under the authorization can be done safely. An application for an authorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in this subpart for a voyage or part of a voyage on which a vessel is embarked or about to embark.

### § 161.111 Emergencies.

In an emergency, any person may deviate from any section in this subpart to the extent necessary to avoid endangering persons, property, or the environment.

## COMMUNICATION RULES

### § 161.120 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor the radio frequency designated in the current edition of the Pudget Sound VTS Operating Manual for the sector of the VTS Area in which the vessel is operating, except when transmitting on that frequency.

(49 CFR 1.46(n)(4))

[CGD 73-158R, 39 FR 25431, July 10, 1974, as amended by CGD 75-173, 42 FR 29481, June 9, 1977]

### § 161.122 Radiotelephone equipment.

Each report required by this subpart to be made by radiotelephone must be made using a radiotelephone that is capable of operation on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

### § 161.124 English language.

Each report required by this subpart must be made in the English language.

### § 161.126 Time.

Each report required by this subpart must specify time using—

(a) The zone time in effect in the VTS Area; and

(b) The 24-hour clock system.

### § 161.128 Initial report.

Except as provided in § 161.129, at least 15 minutes before a vessel enters or begins to navigate in the VTS Area the master of the vessel shall report or cause to be reported, the following information to the VTC:

(a) Name and type of the vessel.

(b) Position of the vessel.

(c) Estimated time of entering or beginning to navigate in the VTS Area.

(d) Destination in the VTS Area.

(e) ETA of the vessel at its destination.

(f) Vessel speed in the VTS Area.

(g) Whether or not the vessel intends to use the TSS.

(h) If the vessel is a towing vessel, the overall length of the tow including the towing vessel.

(i) Whether or not any dangerous cargo listed in § 124.14 of this chapter is on board the vessel or its tow.

(j) Any impairment to the operation of the vessel as described in § 161.135 (a) and (b).

(49 CFR 1.46(n)(4))

[CGD 75-173, 42 FR 29481, June 9, 1977]

### § 161.129 Local harbor report.

(a) When a vessel moves within a three mile radius of its point of departure in the VTS Area, the movement is a local harbor movement. A vessel making a local harbor movement is exempted from the reporting requirements in §§ 161.128 and 161.131.

(b) At least 5 minutes, but not more than 45 minutes, before a vessel makes a local harbor movement under paragraph (a) of this section, the master shall report, or cause to be reported, the following information to the VTC:

(1) Name and type of vessel.

(2) Position of departure.

(3) Time of departure.

(4) Destination and ETA.

(5) General description of operation to be performed.

(c) The master shall report, or cause to be reported, any changes from the information reported under paragraph (b) of this section, except that departing or ETA times must be reported only if they vary by 15 minutes or more from the report.

(49 CFR 1.46(n)(4))

[CGD 75-173, 42 FR 29481, June 9, 1977]

### § 161.131 Final report.

(a) Whenever a vessel anchors wr moors in, or departs from, the VTS Area, the master shall report, or cause to be reported, the place and time of anchoring, mooring, or departing to the VTC.

(b) The report required in paragraph (a) of this section may be made up to 60 minutes before anchoring, mooring, or departing the VTS Area, if the vessel is not in and will not be in the TSS after making the report.

(c) If the report in paragraph (b) of this section is made, the master shall report, or cause to be reported, the revised estimated time of action immediately if it varies by 15 minutes or more from the report.

(49 CFR 1.46(n))

[CGD 75-173, 42 FR 29481, June 9, 1977]

### § 161.133 Radio failure.

Whenever a vessel's radiotelephone equipment fails—

(a) Before entering or while underway in the VTS Area—

(1) Compliance with §§ 161.120 and 161.142 is not required; and

(2) Compliance with §§ 161.128 and 161.131 is not required unless the reports can be made by other means;

(b) Before getting underway in the VTS Area permission to get underway must be obtained from the VTS; and

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

(49 CFR 1.46(n)(4))

[CGD 75-173, 42 FR 29481, June 9, 1977]

### § 161.134 Report of emergency or radio failure.

Whenever the master of a vessel deviates from any section in this subpart because of an emergency or radio failure, he shall report, or cause to be reported, the deviation to the VTC as soon as possible.

### § 161.135 Report of impairment to the operation of the vessel.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible.

(a) Any condition on the vessel that may impair its navigation such as fire, defective propulsion machinery, or defective steering equipment; and

(b) Any tow that the towing vessel is unable to control, or can control only with difficulty, unless this information has already been reported.

### § 161.136 Ferry vessels.

(a) Whenever a ferry vessel is operated in the VTS Area on a schedule and a route that crosses the TSS, both of which have been previously furnished to the VTC, compliance with §§ 161.128, 161.131, and 161.142 is not required.

(b) The master of a ferry vessel that enters the TSS at any place other than Rosario Strait between sunset and sunrise or during reduced visibility shall report the following information by radiotelephone to the VTC at least five minutes before entry:

(1) The name of the vessel.

(2) The direction the vessel will proceed in the TSS.

(3) The point of entering the TSS.

(4) The estimated time the vessel will operate in the TSS.

(49 CFR 1.46(n)(4))

[CGD 73-158R, 39 FR 25431, July 10, 1974, as amended by CGD 75-173, 42 FR 29481, June 9, 1977]

## VESSEL MOVEMENT REPORTING RULES

### § 161.142 Movement reports.

(a) The master of a vessel shall report, or cause to be reported, the following information to the VTC by radiotelephone:

(1) Any increase or decrease in speed or more than one knot.

(2) The intent to cross through the TSS at least 10 minutes before beginning to cross the TSS.

(3) When the vessel clears the TSS after crossing.

(b) When the directed by the VTC, and when the vessel passes a reporting point listed in § 161.189, the master of a vessel shall report, or cause to be reported, the following information to the VTC by radiotelephone:

(1) The name of the vessel.

(2) The reporting point.

(49 CFR 1.46(n)(4))

[CGD 75-173, 42 FR 29481, June 9, 1977]

## TRAFFIC SEPARATION SCHEME RULES

### § 161.150 Vessel operation in the TSS.

The master of a vessel in the TSS shall operate the vessel in accordance with the TSS rules prescribed in §§ 161.152-161.156.

### § 161.152 Direction of traffic.

(a) A vessel proceeding in a traffic lane shall keep the separation zone to port.

(b) A vessel in a precautionary area, except the Port Angeles precautionary area or any temporary precautionary area, shall keep the center of the precautionary area to port.

### § 161.154 Anchoring in the TSS.

No vessel may anchor in the TSS.

### § 161.156 Joining, leaving, and crossing a traffic lane.

(a) A vessel may join, cross, or leave a traffic lane only at a precautionary area unless the VTC has been notified of the point at which the vessel will join, cross, or leave the traffic lane.

(b) A vessel crossing a traffic lane shall, to the extent possible, maintain a course that is perpendicular to the direction of the flow of traffic in the traffic lane.

(c) A vessel joining or leaving a traffic lane shall steer a course to converge on or diverge from the direction of traffic flow in the traffic lane at as small an angle as possible.

## ROSARIO STRAIT RULES

### § 161.170 Communications in Rosario Strait.

Before a vessel meets, overtakes, or crosses ahead of any vessel in Rosario Strait, the master shall transmit the intentions of his vessel to the master of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act for the purpose of arranging safe passage.

### § 161.172 Report before entering Rosario Strait.

At least 15 minutes before a vessel enters the TSS at Rosario Strait, the master of the vessel shall report the vessel's ETA at, and point of entry in, Rosario Strait to the VTC by radiotelephone.

### § 161.174 Entering Rosario Strait.

(a) A vessel may not enter Rosario Strait unless—

(1) The report required by § 161.172 has been made:

(2) The radio equipment on the vessel that is used to transmit the reports required by this subpart is in operation;

(3) During periods of visibility of 2 miles or less, the radar on a vessel equipped with radar is in operation and manned: and

(4) The vessel is free of any conditions that may impair its navigation such as fire, defective propulsion machinery, or defective steering equipment.

(b) The master of a vessel shall operate the vessel in accordance with paragraph (a) of this section.

## DESCRIPTIONS AND GEOGRAPHIC COORDINATES

### § 161.180 VTS Area.

The VTS Area consists of the navigable waters of the United States inshore of the boundary line of inland waters described in § 82.120 of this chapter. This area includes the waters in the Strait of Georgia, Haro Strait, and the Strait of Juan de Fuca that are east of the line of demarcation, and Rosario Strait, Bellingham Bay, Padilla Bay, Admiralty Inlet, Puget Sound, Possession Sound, Elliot Bay, Hood Canal, Commencement Bay, the Narrows west of Tacoma, Carr Inlet, Case Inlet, and navigable waters adjacent to these areas.

### § 161.183 Separation zones.

(a) Each separation zone is 500 yards wide and centered on a line that extends from one point to another, or through several points, described in paragraph (c) of this section.

(b) Two boundaries of each separation zone are parallel to its centerline and extend to and intersect with the boundary of a precautionary area. No part of any separation zone is contained in a precautionary area.

(c) The latitude and longitude describing the centerline of the separation zone are:

(1) Between precautionary area "S" and "SA",

| | |
|---|---|
| (i) 48°12'22" N. | 123°06'30" W. |
| (ii) 48°11'35" N. | 122°51'55" W. |

(2) Between precautionary area "R" and "RA",

| | |
|---|---|
| (i) 48°16'26" N. | 123°06'30" W. |
| (ii) 48°19'06" N. | 123°00'09" W. |

(3) Between precautionary area "RA" and "SA",

| | |
|---|---|
| (i) 48°18'45" N. | 122°57'30" W. |
| (ii) 48°12'40" N. | 122°51'01" W. |

(4) Between precautionary area "RA" and "RB",

| | |
|---|---|
| (i) 48°20'26" N. | 122°57'01" W. |
| (ii) 48°24'14" N. | 122°48'00" W. |
| (iii) 48°25'28" N. | 122°46'23" W. |

(5) Between precautionary area "RB" and "SA",

| | |
|---|---|
| (i) 48°25'12" N. | 122°44'40" W. |

| | | |
|---|---|---|
| (ii) | 48°24′10″ N. | 122°44′12″ W. |
| (iii) | 48°12′52″ N. | 122°49′06″ W. |

(6) Between precautionary area "SA" and "SC",

| | | |
|---|---|---|
| (i) | 48°10′43″ N. | 122°47′50″ W. |
| (ii) | 48°07′43″ N. | 122°39′56″ W. |
| (iii) | 48°01′43″ N. | 122°38′02″ W. |

(7) Between precautionary area "SC" and "SF",

| | | |
|---|---|---|
| (i) | 48°00′36″ N. | 122°37′24″ W. |
| (ii) | 47°57′21″ N. | 122°34′12″ W. |
| (iii) | 47°55′24″ N. | 122°30′16″ W. |
| (iv) | 47°53′39″ N. | 122°28′21″ W. |

(8) Between precautionary area "SF" and "SH",

| | | |
|---|---|---|
| (i) | 47°52′34″ N. | 122°27′40″ W. |
| (ii) | 47°44′31″ N. | 122°25′41″ W. |
| (iii) | 47°40′18″ N. | 122°27′33″ W. |

(9) Between precautionary area "SH" and "T",

| | | |
|---|---|---|
| (i) | 47°39′05″ N. | 122°27′42″ W. |
| (ii) | 47°34′54″ N. | 122°26′54″ W. |

(10) Between precautionary area "T" and "TC",

| | | |
|---|---|---|
| (i) | 47°33′42″ N. | 122°26′33″ W. |
| (ii) | 47°26′53″ N. | 122°24′12″ W. |
| (iii) | 47°23′07″ N. | 122°21′08″ W. |
| (iv) | 47°19′54″ N. | 122°26′37″ W. |

(11) Between precautionary area "CA" and "C",

| | | |
|---|---|---|
| (i) | 48°44′15″ N. | 122°45′39″ W. |
| (ii) | 48°41′39″ N. | 122°43′34″ W. |

### § 161.185 Traffic lanes.

(a) Except as provided in paragraph (c) of this section, each traffic lane consists of the area within two parallel boundaries that are 1000 yards apart and that extend to and intersect with the boundary of a precautionary area. One of these parallel boundaries is parallel to and 250 yards from the centerline of a separation zone.

(b) No part of any traffic lane is contained in a precautionary area.

(c) The traffic lane in Rosario Strait consists of the area enclosed by a line beginning at latitude 48°26′50″ N., longitude 122°43′27″ W.; thence northerly to latitude 48°36′06″ N., longitude 122°44′56″ W.; thence northeasterly to latitude 48°39′18″ N., longitude 122°42′42″ W.; thence westerly and northwesterly along the boundary of precautionary area "C" to latitude 48°39′37″ N.; longitude 122°43′58″ W.; thence southerly to latitude 48°38′24″ N., longitude 122°44′08″ W.; thence southwesterly to latitude 48°36′08″ N., longitude 122°45′44″ W.; thence southerly to latitude 48°29′30″ N., longitude 122°44′41″ W.; thence southwesterly to latitude 48°27′37″ N., longitude 122°45′27″ W.; thence northeasterly and southeasterly along the boundary of precautionary area "RB" to the point of beginning.

### § 161.187 Precautionary areas.

The precautionary areas consist of:

(a) *Port Angeles precautionary area.* An area enclosed by a line beginning on the shoreline at New Dungeness Spit at latitude 48°11′00″ N., longitude 123°06′30″ W.; thence due north to latitude 48°17′10″ N., longitude 123°06′30″ W.; thence southwesterly to latitude 48°10′00″ N., longitude 123°27′38″ W.; thence due south to the shorelines; thence along the shoreline to the point of beginning.

(b) *Precautionary area "RA".* A circular area of 2,500 yards radius centered at latitude 48°19′46″ N., longitude 122°58′34″ W.;

(c) *Precautionary area "RB".* A circular area of 2,500 yards radius centered at latitude 48°26′24″ N., longitude 122°45′12″ W.;

(d) *Precautionary area "C".* A circular area of 2,500 yards radius centered at latitude 48°40′34″ N., longitude 122°42′44″ W.;

(e) *Precautionary area "CA".* A circular area of 2,500 yards radius centered at latitude 48°45′19″ N., longitude 122°46′26″ W.;

(f) *Precautionary area "SA".* A circular area of 3,000 yards radius centered at latitude 48°11′28″ N., longitude 122°49′43″ W.;

(g) *Precautionary area "SC".* A circular area of 1,250 yards radius centered at latitude 48°01′06″ N., longitude 122°37′54″ W.;

(h) *Precautionary area "SF".* A circular area of 1,250 yards radius centered at latitude 47°53′10″ N., longitude 122°27′48″ W.;

(i) *Precautionary area "SH".* A circular area of 1,250 yards radius centered at latitude 47°39′42″ N., longitude 122°27′48″ W.;

(j) *Precautionary area "T".* A circular area of 1,250 yards radius centered at latitude 47°34′19″ N., longitude 122° 26′47″ W.;

(k) *Precautionary area "TC"*. A circular area of 1,250 yards radius centered at latitude 47°19′30″ N., longitude 122°27′19″ W.

### § 161.188 Temporary precautionary areas.

The Commander, Thirteenth Coast Guard District, may amend the description of the TSS in §§ 161.180-161.189 of this subpart to establish temporary precautionary areas to provide for seasonal activities such as fishing that affect the safe passage of vessels in the TSS.

### § 161.189 Reporting points.

The reporting points are—

(a) When North of New Dungen Light—Buoy R at latitude 48°16′26″ N., longitude 123°06′30″W.

(b) When Northeast of Colville Point—Buoy RB at latitude 48°26′24″ N., longitude 122°45′12″ W.

(c) When Northeast of Lawrence Point—Buoy C at latitude 48°40′34″ N., longitude 122°42′44″ W.

(d) When Abeam of Matia Island—Buoy CA at latitude 48°45′19″ N., longitude 122°46′26″ W.

(e) When West of West Point Light—Buoy SH at latitude 47°39′42″ N., longitude 122°27′48″ W.

(f) When Abeam of Robinson Point—Buoy TB at latitude 47°23′07″ N., longitude 122°21′08″ W.

(g) When Abeam of Browns Point—Buoy TC at latitude 47°19′30″ N., longitude 122°27′19″W.

(h) The boundary of the TSS.

(49 CFR 1.46(n)(4))

[CGD 75-173, 42 FR 29481, June 9, 1977]

### APPENDIX A—PUGET SOUND INTERIM NAVIGATION RULE

(a) No person may operate or cause or authorize the operation of any oil tanker in excess of 125,000 deadweight tons bound for a port or place in the United States in waters of the United States lying east of a straight line extending from Discovery Island Light to New Dungeness Light and to all points in the Puget Sound area north and south of these lights.

(b) Nothing herein affects the exercise by the Commandant of the Coast Guard, the Coast Guard Thirteenth District Commander, the Coast Guard Captain of the Port, Seattle, or the Commanding Officer of the Puget Sound Vessel Traffic Service, in respect to oil tankers of less than 125,000 deadweight tons on Puget Sound, of the authority which has been delegated to them under the Ports and Waterways Safety Act of 1972.

(c) This rule is effective immediately and will remain in effect until cancelled. Notice of cancellation will be published in the FEDERAL REGISTER.

[CGD 78-040, 43 FR 12257, Mar. 23, 1978, as amended by CGD 78-040c, 44 FR 36175, June 21, 1979]

## PRINCE WILLIAM SOUND VESSEL TRAFFIC SERVICE

AUTHORITY: Sections 161.301-161.387 issued under sec. 402, Pub. L. 93-153, 87 Stat. 589 (33 U.S.C. 1221 nt.); sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n)(4), unless otherwise noted.

SOURCE: Sections 161.301-161.387, CGD 76-032, 42 FR 37931, July 25, 1977, unless otherwise noted.

### GENERAL RULES

### § 161.301 Purpose and applicability.

(a) Sections 161.301 through 161.387 prescribes rules for vessel operation in the Prince William Sound Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.301 through 161.311 and the Traffic Separation Scheme (TSS) Rules in §§ 161.348 through 161.354 and 161.356 (b) and (c) apply to the operation of all vessels.

(c) The Communication Rules and §§ 161.320 through 161.332, the Vessel Movement Reporting Rules in §§ 161.334 through 161.342, the TSS Rule in § 161.356(a), and the Valdez Narrows Rules in §§ 161.370 through 161.374 apply only to the operation of:

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each commercial vessel of 26 feet or over in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(4) Each dredge and floating plant.

### § 161.303 Definitions.

As used in §§ 161.301 through 161.387:

"ETA" means estimated time of arrival.

"Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

"Separation zone" means an area of the TSS that is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart.

"Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction.

"Traffic separation scheme" (TSS) means the network of traffic lanes and separation zones in the VTS Area.

"Vessel traffic center" (VTC) means the shore based facility that operates the Prince William Sound vessel traffic service.

"Vessel traffic service area" (VTS Area) means the area described in § 161.380.

### § 161.304 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.301 through 161.387.

### § 161.305 Laws and regulations not affected.

Nothing in §§ 161.301 through 161.387 is intended to relieve any person from complying with:

(a) The Navigation Rules for Harbors, Rivers, and Inland Waters Generally (33 U.S.C. 151 through 232);

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) Pilot Rules for Inland Waters (Part 80 of this chapter);

(d) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and

(e) Any other laws or regulations.

### § 161.306 VTS Operating Manual.

(a) The Prince William Sound Vessel Traffic Service Operating Manual is published by the Commander, Seventeenth Coast Guard District. The operating manual contains information intended to facilitate the use of the vessel traffic service, such as:

(1) The Prince William Sound VTS regulations.

(2) A general description of Coast Guard facilities and system components.

(3) Guidelines for establishing alternate communications.

(4) Guidelines that might be used by the VTS in issuing temporary restrictions or operating requirements under § 161.307.

(b) The master and pilot of a vessel listed in § 161.301(c) shall ensure that a copy of the current edition of the Prince William Sound Vessel Traffic Service Operating Manual is available on board the vessel when in the VTS Area.

(c) Distribution of the operating manual will be made by the Coast Guard. Copies may be obtained in person or by writing.

(1) Commanding Officer, Coast Guard Vessel Traffic Service, Valdez, AK 99686; or

(2) Commander, Seventeenth Coast Guard Disrict, Federal Building, P.O. Box 3-5000, Juneau, AK 99802.

(d) Temporary changes to the operating manual are promulgated by the Commander, Seventeenth Coast Guard District, in local notices to mariners.

### § 161.307 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS Area.

(b) The master of a vessel in the VTS Area shall comply with each direction issued to him under this section.

### § 161.309 Authorization to deviate from these rules.

(a) The Commander, Seventeenth Coast Guard District may, upon written request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 if he finds that the proposed operation under the authorization can be done safely. An application for an authorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 for a voyage or part of a voyage on which a vessel is embarked or about to embark.

### § 161.311 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.301 through 161.387 to the extent necessary to avoid endangering persons, property, or the environment.

## COMMUNICATIONS RULES

### § 161.320 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor the radio frequency designated in the current edition of the Prince William Sound VTS Operating Manual for the sector of the VTS Area in which the vessel is operating, except when transmitting on that frequency.

### § 161.322 Radiotelephone equipment.

Each report required by the Prince William Sound VTS rules to be made by radiotelephone must be made using a radiotelephone that is capable of operating on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

### § 161.324 English language.

Each report required by the Prince William Sound VTS rules must be made in the English language.

### § 161.326 Time.

Each report required by the Prince William Sound VTS rules must specify time using:

(a) The zone time in effect in the VTS Area; and

(b) The 24-hour clock system.

### § 161.328 Radio failure.

Whenever a vessel's radiotelephone equipment fails:

(a) Before entering or while underway in the VTS Area—

(1) Compliance with §§ 161.320 and 161.338 is not required; and

(2) Compliance with §§ 161.334, 161.336, and 161.342 is not required unless the reports can be made by other means;

(b) Before getting underway in the VTS Area permission to get underway must be obtained from the VTC;

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

### § 161.330 Report of emergency or radio failure.

Whenever the master of a vessel deviates from any rule in §§ 161.301 to 161.387 because of an emergency or radio failure, he shall report the deviation to the VTC as soon as possible.

### § 161.332 Report of impairment to the operation of the vessel.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible:

(a) Any condition on the vessel that may impair its navigation, such as fire, defective steering equipment, or defective propulsion machinery; and

(b) Any tow that the towing vessel is unable to control, or can control only with difficulty.

## VESSEL MOVEMENT REPORTING RULES

### § 161.334 Preliminary report.

Three hours before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook Entrance, the master of the vessel shall report to the VTC:

(a) Name, type, and draft of the vessel.

(b) Position of the vessel.

(c) Course and speed of the vessel.

(d) ETA at Hinchinbrook Entrance.

### § 161.336 Initial report.

At least 60 minutes before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook Entrance or at least 30 minutes before a vessel enters or begins to navigate in the VTS Area from other points, the master of the vessel shall report the following information to the VTC:

(a) Name, type, and draft of the vessel.

(b) Position of the vessel.

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(c) Estimated time of entering or beginning to navigate in the VTS Area.

(d) Destination in the VTS Area.

(e) ETA of the vessel at its destination.

(f) Vessel speed in the VTS Area.

(g) The time and place the vessel will enter the TSS.

(h) If the vessel is a towing vessel, the overall length of the tow, including the towing vessel.

(i) Whether or not any dangerous cargo listed in § 124.14 of this chapter is on board the vessel or its tow.

(j) Any impairment to the operation of the vessel as described in § 161.332 (a) and (b).

(k) Alternate communications capabilities, if any.

(l) Any other information requested by the VTC.

### § 161.338 Movement reports.

(a) While navigating in the VTS Area the master of a vessel shall report the following information to the VTC by radiotelephone:

(1) Any increase or decrease in speed of more than 1 knot.

(2) The intent to cross through the TSS at least 10 minutes (for vessels with a tow at least 30 minutes) before beginning to cross the TSS.

(3) When the vessel clears the TSS after crossing.

(b) When the vessel passes a reporting point listed in § 161.340, the master of a vessel shall report the following information to the VTC by radiotelephone:

(1) The name of the vessel.

(2) The reporting point.

### § 161.340 Reporting points.

The reporting points are:

(a) At Hinchinbrook Entrance, when abeam of Schooner Rock off the northeastern tip of Montague Island; and

(b) When abeam of Naked Island.

### § 161.342 Final report.

Whenever a vessel anchors, moors in, or departs from the VTS Area, the master shall report the place and time of anchoring, mooring, or departing to the VTC, except:

(a) When mooring or anchoring in Port Valdez, unless requested to do so by the VTC; or

(b) When departing the VTS Area at Hinchinbrook Entrance and the movement report for the reporting point in § 161.340(a) is made.

## TRAFFIC SEPARATION SCHEME RULES

### § 161.348 Vessels required to use the TSS.

All vessels described in § 161.301(c) must use the TSS when en route to or from Valdez via Hinchinbrook Entrance or navigating any portion of that route.

### § 161.350 Vessel operation in the TSS.

The master of a vessel shall operate the vessel in accordance with the TSS rules prescribed in §§ 161.352 through 161.354 and 161.356 (b) and (c).

### § 161.352 Direction of traffic.

A vessel proceeding in a traffic lane must keep the separation zone to port.

### § 161.354 Anchoring in the TSS.

No vessel may anchor in the TSS.

### § 161.356 Joining, leaving, and crossing a trafffic lane.

(a) A vessel described in § 161.301(c) may join, cross, or leave a traffic lane only after the VTC has been notified of the point at which the vessel will join, cross, or leave the traffic lane.

(b) A vessel crossing a traffic lane shall, to the extent possible, maintain a course that is perpendicular to the direction of the flow of traffic in the traffic lane.

(c) A vessel joining or leaving a traffic lane shall steer a course to converge on or diverge from the direction of traffic flow in the traffic lane at as small an angle as possible.

## VALDEZ NARROWS RULES

### § 161.370 One-way traffic in Valdez Narrows.

(a) The area described in § 161.387 is designated the Valdez Narrows One-way Traffic Area and is restricted to one-way traffic whenever a tank vessel of 20,000 deadweight tons (DWT) or more is navigating therein.

(b) A vessel described in § 161.301(c) may not enter the Valdez Narrows One-way Traffic Area unless:

(1) Permission to enter is obtained from the VTC; and

(2) Any directions from the VTC to remain separated from another vessel are complied with.

### § 161.372 Entering Valdez Narrows.

(a) A vessel described in § 161.301(c), may not enter the Valdez Narrows One-Way Traffic Area, unless:

(1) The radio equipment on the vessel that is used to transmit the reports required by the Prince William Sound VTS rules is in operation;

(2) The radar on a vessel equipped with radar is in operation and manned; and

(3) The vessel is free of any conditions that may impair its navigation, such as fire, defective steering equipment, or defective propulsion machinery.

(b) A tank vessel of 20,000 DWT or more may not enter Valdez Narrows One-Way Traffic Area unless:

(1) It complies with paragraph (a); and

(2) It complies with § 161.376(a) (1), (3), and (4).

### § 161.374 Communications in Valdez Narrows.

Before a vessel meets, overtakes, or crosses ahead of any vessel in Valdez Narrows One-Way Traffic Area, the master or the person designated by the master to pilot or direct the movement of the vessel shall transmit the intentions of his vessel to the master or the person designated by the master to pilot or direct the movement of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act for the purpose of arranging safe passage.

## SPECIAL REQUIREMENTS FOR TANK VESSELS

### § 161.376 Tank vessels in the VTS Area.

(a) Each tank vessel of 20,000 DWT or more operating in the VTS Area must—

(1) Have two separate marine radar systems for surface navigation, one of which is operating and the other either operating or capable of immediate operation;

(2) Have an operating Loran-C receiver;

(3) Have an operating rate of turn indicator; and

(4) Have at least two radiotelephones capable of operating on the designated VTS frequency, one of which is capable of battery operation.

(b) While in the VTS Area, if the tank vessel of 20,000 DWT or more is unable to comply with paragraph (a) the master shall immediately notify the VTC.

### § 161.378 Tug assistance for tank vessels.

(a) For the purposes of this section, tug assistance means the use of a sufficient number of tugs properly manned and positioned, with enough power and maneuverability to enable the vessel to accomplish the intended maneuvers safely. Factors to be considered in determining the amount of tug assistance needed are—

(1) Existing and expected conditions of wind, tide, and current; and

(2) Size, displacement, and maneuvering capability of the vessel.

(b) The VTC may direct any tank vessel of 20,000 DWT or more to use tug assistance in the Valdez Narrows One-Way Traffic Area.

(c) Each tank vessel of 20,000 DWT or more must use tug assistance when docking and undocking.

(d) The master of any tank required to use tug assistance under paragraph (b) or (c) shall ensure that the number and capabilities of the tugs are adequate and that there are sufficient persons positioned on the vessel to handle lines to tugs as needed.

## DESCRIPTIONS AND GEOGRAPHIC COORDINATES

### § 161.380 VTS Area.

The VTS Area consists of the navigable waters of the United States north of a line drawn from Cape Hinchinbrook Light to Schooner Rock Light, comprising that portion of Prince William Sound between longitudes 146°40′ W. and 147°20′ W.; and includes Valdez Arm, Valdez Narrows, and Port Valdez.

(5 U.S.C. 552; 63 Stat. 545 (14 U.S.C. 633); 80 Stat. 937 (49 U.S.C. 1655(b)); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

[CGD 79-133, 44 FR 70720, Dec. 10, 1979]

### § 161.383 Separation zone.

The separation zone is 2,000 yards wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef and decreases in width from 2,000 yards to 1,000 yards from the entrance to Valdez Arm to where it terminates at the entrance to the Valdez Narrows One-Way Traffic Area and is bounded by lines connecting the following latitudes and longitudes:

(a) 60°58'43" N., 146°47'50" W.
(b) 60°49'47" N., 147°02'06" W.
(c) 60°34'43" N., 147°05'16" W.
(d) 60°17'04" N., 146°49'15" W.
(e) 60°16'56" N., 146°46'57" W.
(f) 60°34'53" N., 147°03'14" W.
(g) 60°49'23" N., 147°00'08" W.
(h) 60°58'26" N., 146°47'02" W.

### § 161.385 Traffic lanes.

The traffic lanes are 1,500 yards wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef, and decrease in width from 1,500 yards to 1,000 yards from the entrance to Valdez Arm to where they terminate at the entrance to the Valdez Narrows One-Way Traffic Area. The traffic lanes are as follows:

(a) The inward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:

(1) 60°58'09" N., 146°46'16" W.
(2) 60°49'07" N., 146°46'16" W.
(3) 60°35'00" N., 147°01'42" W.
(4) 60°16'49" N., 146°45'13" W.

(b) The outward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:

(1) 60°59'01" N., 146°48'37" W.
(2) 60°50'04" N., 147°03'35" W.
(3) 60°34'36" N., 147°06'48" W.
(4) 60°17'11" N., 146°50'59" W.

### § 161.387 Valdez Narrows One-Way Traffic Area.

The Valdez Narrows One-Way Traffic Area consists of the navigable waters of the United States in Valdez Arm, Valdez Narrows and Port Valdez north of a line bearing 307 degrees true from Rocky Point at 60°57'45" N., 146°45'07" W., and west of a line bearing 000 degrees true from Entrance Island at 61°05'07" N., 146°36'40" W.

## NEW ORLEANS VESSEL TRAFFIC SERVICE

### GENERAL RULES

### § 161.401 Purpose and applicability.

(a) Sections 161.401 and 161.402 prescribe rules for vessel operation in the New Orleans Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977]

### § 161.402 Vessel operation.

(a) Mississippi River below Baton Rouge, LA, including South and Southwest Passes—

(1) *Supervision.* The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2) *Speed; high-water precautions.* When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by

this paragraph, and such limiting speed shall be strictly observed.

(3) *Towing.* Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(b) Movement of vessels in vicinity of Algiers Point, New Orleans Harbor—

(1) *Control lights.* When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

(ii) Vessels destined to a wharf above the lower end of Julia Street Wharf shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

NOTE: Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(4) *Minor changes.* The District Commander is authorized to waive operation or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(6) *Towing.* When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(c) Navigation of South and Southwest Passes.

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1223); 49 CFR 1.46(n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-080, 44 FR 47933, Aug. 16, 1979]

## NEW YORK VESSEL TRAFFIC SERVICE

AUTHORITY: Sections 161.501-161.583 issue under sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1223); 49 CFR 1.46(n)(4).

SOURCE: Sections 161.501-161.583, CGD 77-087, 44 FR 45383, Aug. 2, 1979, unless otherwise noted.

EFFECTIVE DATE NOTE: At 44 FR 55005, Sept. 24, 1979, the effective date of §§ 161.501-161.583 was deferred indefinitely.

### GENERAL RULES

### § 161.501 Purpose and applicability.

(a) Sections 161.501 through 161.583 prescribe rules for vessel operation in the New York Vessel Traffic Service (VTS) Area to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.501 through 161.507, except § 161.506, and the St. George Special Rule in § 161.574 apply to the operation of all vessels.

(c) General Rule § 161.506, the Communications Rules in §§ 161.520 through 161.532, the Vessel Movement Reporting System Rules in §§161.536 through 161.542, and the Special Rules in §§ 161.570, 161.572, 161.573, and 161.575 only apply to the operation of—

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each vessel carrying 10 or more passengers for hire;

(4) Each commercial vessel of 26 feet or over in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(5) Each dredge and floating plant.

### § 161.503 Definitions.

As used in §§ 161.501 through 161.583:

"ETA" means estimated time of arrival.

"Limited Traffic Area (LTA)" means any subarea within the VTS Area where the special rules in §§ 161.570 and 161.572 apply.

These areas are described in § 161.582.

"Master" means licensed master or operator or, on vessels not requiring a licensed operator, the person in command of the vessel.

"Person" includes and individual, firm, corporation, association, partnership, and governmental entity.

"Sector" means a particular area within the VTS Area as described in § 161.581.

"Sector" means a particular area within the VTS Area as described in § 161.581.

"Sector Frequency" means the VHF-FM radio frequency designated for use in a particular VTS sector.

"Vessel Movement Reporting System (VMRS)" is a system by which vessel progress is monitored by reports from the vessel rather than by electronic surveillance.

"Vessel Traffic Center (VTC)" means the shore-based facility that operates the New York Vessel Traffic Service.

### § 161.504 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.501 through 161.583.

### § 161.505 Laws and regulations not affected.

Nothing in §§161.501 through 161.583 is intended to relieve any person from complying with—

(a) The Navigation Rules for Harbors, Rivers and Inland Waters generally (33 U.S.C. 151 through 232);

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) Pilot Rules for Inland Waters (Part 80 of this chapter);

(d) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and

(e) Any other laws or regulations.

### § 161.506 VTS Operating Manual.

The master of a vessel shall ensure that a copy of the current edition of the New York Vessel Traffic Service Operating Manual is available on board the vessel when it is in the VTS area.

NOTE: "New York VTS Operating Manual" includes the VTS regulations and navigation information. The Manual is available from the U.S. Coast Guard Marine Inspection Office, Battery Park Building, New York, New York 10004, or by writing to Commanding Officer, New York Vessel Traffic Service, Governors Island, New York, New York 10004.

### § 161.507 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions to control and supervise traffic, and may specify times when vessels may enter, move within or through or depart from ports, harbors, or other waters in the VTS Area.

(b) When a vessel is navigating in an unsafe manner, navigating or attempting to navigate in the VTS Area with insufficient bottom clearance or with equipment not functioning properly, the VTC may direct the vessel's movement, including directing it to anchor or moor.

(c) The master of a vessel in the VTS Area shall comply with each direction issued to the vessel under this section.

### § 161.509 Authorization to deviate from these rules.

(a) The Commander, Third Coast Guard District may, upon written request, issue an authorization to deviate from any rule in §§ 161.501 through 161.583 if that officer finds that the proposed operation can be done safely. An application for an authorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in this Part for a voyage or part of a voyage on which a vessel is embarked or about to embark.

### § 161.511 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.501 through 161.583 to the extent necessary to avoid endangering persons, property, or the environment.

COMMUNICATIONS RULES

### § 161.520 Radio listening watch.

The master of a vessel in the VTS Area shall maintain a continuous listening watch on the radio frequency designated by the VTC for the sector of the VTS Area in which the vessel is operating, except when communicating on that or another frequency in the VHF-FM Maritime Mobile band.

### § 161.522 Radiotelephone equipment.

Each report required by the New York VTS rules to be made by radiotelephone must be made using a radiotelephone that is capable of operating on Channels 11, 12, and 14 VHF-FM (156.55, 156.60, 156.70 MHz). The radiotelephone must be capable of being operated on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

### § 161.524 English language.

Each report required by §§ 161.501 through 161.583 must be made in the English language.

### § 161.526 Time.

Each report required by §§ 161.501 through 161.583 must specify time using—

(a) The zone time in effect in the VTS Area; and

(b) The 24-hour clock system.

### § 161.528 Radio failure.

Whenever a vessel's radiotelephone equipment fails—

(a) Before entering or while underway in the VTS Area—

(1) Compliance with §§ 161.520, and 161.539 is not required; and

(2) Compliance with §§ 161.536, 161.537, and 161.542 is not required unless those reports can be made by other means.

(b) Before getting underway in the VTS Area, permission to get underway must be obtained from the VTC; and

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

### § 161.530 Report of emergency or radio failure.

Whenever the master of a vessel deviates from any rule in §§ 161.501 through 161.583 because of an emergency or experiences radio failure, he shall report the deviation or radio failure to the VTC by the most expeditious means.

### § 161.532 Report of impairment to the operation of the vessel.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible—

(a) Any condition on the vessel that may impair its navigation, such as fire, defective propulsion machinery, defective steering equipment, defective radar, defective gyrocompass, or defective echo depth sounding device;

(b) Any tow that the towing vessel is unable to control or can control only with difficulty; and

(c) When involved in a grounding, collision, or ramming of a fixed object.

VESSEL MOVEMENT REPORTING SYSTEM RULES

### § 161.536 Initial report.

At least 15 minutes before a vessel enters or begins to navigate in the VTS Area, the master of the vessel shall report the following information to the VTC.

(a) The type and name of the vessel.

(b) The point of entry in the VTS Area.

(c) Destination and route in the VTS Area.

(d) Length and deepest draft of the vessel.

(e) Speed of advance of the vessel.

(f) Any dangerous or explosive cargo listed in § 124.14 of this Chapter that is on board the vessel.

(g) Any impairment to the operation of the vessel as described in § 161.532 (a) and (b).

### § 161.537 Follow-up reports.

When entering or beginning to navigate in the VTS Area, or if the vessel deviates from its route plan as reported in the initial report, the master of the vessel shall report the following information by radiotelephone to the VTC:

(a) Vessel name.

(b) Location of the vessel.

(c) Any revisions to the initial report in § 161.536.

### § 161.538 Invoking of the VMRS rules.

In the event of impairment of surveillance capability or when otherwise required for the safety of navigation, the Vessel Movement Reporting System (VMRS) may be invoked by the VTC.

### § 161.539 Movement reports.

When the VMRS is in operation, or at other times when directed by the VTC, the master of a vessel passing a reporting point listed in § 161.540 or sector boundary listed in § 161.581 shall report the following to the VTC by radiotelephone:

(a) Vessel name.

(b) Reporting point, sector boundary, or other location of the vessel.

### § 161.540 VMRS reporting points.

| No | Position description | Geographic location |
|---|---|---|
| | Sector 1 | |
| 11 | Romer Shoal | Abeam Romer Shoal Light (when the vessel is in Ambrose Channel). |
| 12 | West Bank Light | Abeam West Bank Light (when the vessel is in the Chapel Hill Channel). |
| | Sector 2 | |
| 21 | Buoy 20A | Gowanus Flats Lighted Bell Buoy 20A. |
| 22 | Con Hook Range | Approaching Kill Van Kull just prior to coming on Con Hook Range. |
| | Sector 3 | |
| 31 | Red Bank | Raritan Bay Light 42. |
| 32 | Outerbridge | Outerbridge crossing. |
| 33 | Smoking Point | Arthur Kill Light 14. |
| 34 | Carteret | North end of Island of Meadows. |
| 35 | Grasselli | Passing under the overhead power cable in the vicinity of Grasselli and Piles Creek. |
| 36 | Howland Hook | ½ mi. northeast of the Goethals Bridge. |
| 37 | Newark Bay | Entering Newark Bay Middle Reach, or Newark Bay South Reach at Beacon 9. |
| | Sector 4 | |
| 41 | Ventilator Shaft | Between the tunnel ventilator shafts at pier 34 Manhattan and pier 9 New Jersey, Hudson River. |
| 42 | Manhattan Bridge | Passing Manhattan Bridge, East River. |
| | Sector 5 | |
| 51 | 72d St | East River at 72d St. Manhattan. |
| 52 | Sunken Meadows | Sunken Meadow Light 16. |
| 53 | 125th St | Triborough Bridge, Harlem River. |
| 54 | Hunts Point | Due south of Hunts Point. |
| 55 | Whitestone Bridge | Whitestone Bridge, East River. |
| 56 | Stepping Stones | Abeam Stepping Stones Light. |

### § 161.542 Final report.

When a vessel anchors in, moors in, or departs from the VTS Area, the master shall report the place of anchoring, mooring, or departing to the VTC.

## SPECIAL RULES

### § 161.570 Communications in limited traffic areas (LTA).

Before a vessel meets, crosses ahead of, or overtakes another vessel in any area described in § 161.582, the master shall attempt to arrange a safe passage with the master of the other vessel on Channel 13 VHF-FM (156.65MHz), the frequency designated under the Bridge-to-Bridge Radiotelephone Act.

### § 161.572 Entering an LTA.

A vessel may not enter any of the areas described in § 161.582 when advised by the VTC that it will encounter another vessel unless—

(a) Safe passage has been arranged in accordance with § 161.570; or

(b) The VTC grants the vessel permission to proceed.

### § 161.573 Entering Pierhead Channel from Kill Van Kull.

Each vessel proceeding easterly in Kill Van Kull intending to use the Pierhead Channel shall cross the Constable Hook Reach toward Pierhead Channel between Kill Van Kull Lighted Buoy 7, at latitude 40°38′58″ N., longitude 74°05′11″ W., and Kill Van Kull Lighted Buoy 8 at latitude 40°38′55″ N., longitude 74°05′39″ W.

### § 161.574 St. George special rule.

Except for ferries operated by the City of New York and public vessels, no vessel may enter the St. George Special Rule Area, described in § 161.583, without the permission of the VTC.

### § 161.575 Action during reduced visibility.

When visibility is less than 2 nautical miles, any vessel that is operating without radar shall notify the VTC immediately.

## DESCRIPTION AND GEOGRAPHIC COORDINATES

### § 161.580 VTS area.

The VTS area consists of the navigable waters of the United States inshore of a line from a point on the Long Island shore opposite the south end of the Marine Parkway Bridge at latitude 40°33′43″ N., longitude 73°52′44″ W.; thence southwesterly to a point at latitude 40°28′33″ N., longitude 73°55′47″ W.; thence southerly to Scotland Lighted Horn Buoy S at latitude 40°26′33″ N., longitude 73°55′01″ W.; thence southwesterly to Highlands Light at latitude 40°23′47″ N., longitude 73°59′11″ W. The area includes Lower New York Bay, Rockaway Inlet east to the Marine Parkway Bridge at latitude 40°34′24″ N., longitude 73°53′07″ W., Raritan Bay and Raritan River west to an east-west line through Sandy Point at latitude 40°30′03″ N., longitude 74°17′03″ W., Arthur Kill, Newark Bay north to an east-west line through the junction of the Hackensack and Passaic Rivers at latitude 40°42′27″ N., longitude 74°07′10″ W., Kill Van Kull, Upper New York Bay and the Hudson River north to an east-west line through the Yonkers Pilot Station at latitude 40°56′21″ N., longitude 73°54′10″ W., the Harlem and East Rivers and western Long Island Sound east to a line from Oak Neck Point on the Long Island shore at latitude 40°54′53″ N., longitude 73°34′20″ W., northerly to Great Captain Island Light at latitude 40°58′57″ N., longitude 73°37′25″ W., thence due north to the Connecticut shore at latitude 41°00′40″ N., longitude 73°37′25″ W.

### § 161.581 Communications sector boundaries.

The New York Vessel Traffic Service Area is divided into five sectors with the following boundaries:

(a) *Sector One:* Lower Bay. Includes the area bounded by the following:

(1) A line from a point on the Long Island shore opposite the south end of the Marine Parkway Bridge at latitude 40°33′43″ N., longitude 73°52′44″ W.; thence southwesterly to a point at latitude 40°28′33″ N., longitude 73°55′47″ W.; thence southerly to Scotland Lighted Horn Buoy S at latitude 40°26′33″ N., longitude 73°55′01″ W.; thence southwesterly to Highlands Light at latitude 40°23′47″ N., longitude 73°59′11″ W.

(2) Marine Parkway Bridge (Rockaway Inlet).

(3) East-west line through Coney Island Light (Norton Point).

(4) North-south line through Raritan Bay West Reach Light No. 20.

(b) *Sector Two:* Upper Bay, Gowanus Bay, Kill Van Kull entrance. Includes the area bounded by the following:

(1) East-west line through Coney Island Light (Norton Point).

(2) North-south line through Kill Van Kull at Platty Kill Creek.

(3) Gowanus Bay to the bridge at the entrance to the Gowanus Canal.

(4) A line bearing 270 degrees true from Governors Island Extension Light to the New Jersey shore; a line bearing 142 degrees true from Governors Island Extension Light to Red Hook (Brooklyn shore).

(c) *Sector Three:* Newark Bay, Kill Van Kull, Arthur Kill, Raritan Bay, and entrance to Raritan River. Includes the area bounded by the following:

(1) North-south line through Kill Van Kull at Platty Kill Creek.

(2) East-west line through Newark Bay light at the junction of the Hackensack and Passaic Rivers.

(3) East-west line through the Raritan River at Sandy Point.

(4) North-south line through Raritan Bay West Reach Light No. 20.

(d) *Sector Four:* Lower Hudson River, the Battery, and Lower East River. Includes the area bounded by the following:

(1) East-west line through the Hudson River at the Yonkers pilot station.

(2) Junction of the Harlem River and Hudson River at Spuyten Duyvil.

(3) Line bearing 270 degrees true from Governors Island Extension Light to the New Jersey shore and a line bearing 142 degrees true from Governors Island Extension Light to Red Hook (Brooklyn shore).

(4) A line bearing 284 degrees true from Poorhouse Flats Range Rear Light to the Manhattan shore.

(e) *Sector Five:* Upper East River, Harlem River, and western Long Island Sound. Includes the area bounded by the following:

(1) A line bearing 284 degrees true from the Poorhouse Flats Range Rear Light to the Manhattan shore.

(2) Junction of the Harlem River and Hudson River at Spuyten Duyvil.

(3) A line bearing 150 degrees true from Great Captain's Island Light to the Long Island Shore (Oak Neck Point).

### § 161.582 Limited traffic areas (LTA).

The LTA's consist of the following:

(a) *Bergen Point LTA.* An area enclosed by a line beginning at the northwestern tip of Shooters Island at latitude 40°38′44″ N., longitude 74°09′43″ W.; thence north to Kill Van Kull light 16A at latitude 40°38′52″ N., longitude 74°09′43″ W.; thence easterly to Newark Bay channel lighted buoy 1 at latitude 40°38′49″ N., longitude 74°09′12″ W.; thence easterly to Newark Bay channel lighted buoy 4 at latitude 40°38′51″ N., longitude 74°08′56″ W.; thence southerly to Bergen Point light 14A at latitude 40°38′34″ N., longitude 74°08′52″ W.; thence southerly to Kill Van Kull lighted buoy 15 at latitude 40°38′25″ N., longitude 74°08′55″ W.; thence westerly to a point on the shore of Staten Island at latitude 40°38′25″ N., longitude 74°09′42″ W.; thence to origin.

(b) *Bayway LTA.* An area enclosed by an east-west line drawn through the end of the pier on the New Jersey shoreline at latitude 40°37′48″ N., longitude 74°12′16″ W., and the railroad lift bridge centered at latitude 40°38′15″ N., longitude 74°11′45″ W.

(c) *Tremley Point LTA.* An area enclosed by a line beginning at Pralls Island channel range front light at latitude 40°36′12″ N., longitude 74°12′19″ W.; thence northeasterly to Arthur Kill lighted buoy 38 at latitude 40°36′17″ N., longitude 74°12′09″ W.; thence southeasterly through Arthur Kill buoy 36 at latitude 40°36′02″ N., longitude 74°11′56″ W.; thence southerly to Arthur Kill lighted buoy 34 at latitude 40°35′49″ N., longitude 74°11′58″ W.; thence due west to the intersection with the New Jersey shoreline; thence following the New Jersey shoreline north to the origin.

(d) *Tufts Points LTA.* An area enclosed by a line through Arthur Kill lighted buoy 21 at latitude 40°33′40″ N., longitude 74°12′59″ W., perpendicular to the navigable channel, to the eastern edge of the navigable channel at latitude 40°33′39″ N., longitude 74°12′53″ W.; thence following the eastern limit of the channel south and west to Arthur Kill lighted buoy 18 at latitude 40°33′27″ N., longitude 74°13′09″ W.; thence northerly to Arthur Kill lighted buoy 17 at latitude 40°33′31″ N., longitude 74°13′11″ W.; thence following the northwest side of the channel northeasterly to the origin.

(e) *Hell Gate LTA.* An area enclosed by a line beginning at the railroad bridge across the East River whose center is at latitude 40°46′56″ N., longitude 73°55′21″ W.; thence following the shoreline of Queens, New York, south and west to a point on the shoreline at latitude 40°46′28″ N., longitude 73°56′17″ W.; thence across the East River to the northern tip of Roosevelt Island at latitude 40°46′22″ N., longitude 73°56′26″ W.; thence northwest to a point on the Manhattan, New York, shoreline at latitude 40°46′28″ N., longitude 73°56′37″ W.;

thence following the Manhattan shoreline north and west to a point on the shoreline at latitude 40°46′46″ N., longitude 73°56′35″ W.; thence due east to the southwestern tip of Mill Rock at latitude 40°46′46″ N., longitude 73°56′24″ W.; thence along the southern edge of Mill Rock to the eastern tip of Mill Rock at latitude 40°46′49″ N., longitude 73°56′17″ W.; thence northeast to a point on the Bronx, New York, shoreline at latitude 40°46′58″ N., longitude 73°56′06″ W.; thence along the Bronx shoreline north and east to the origin.

(f) *North Brother Island LTA.* An area enclosed by a line beginning on the Bronx, New York, shoreline at latitude 40°48′06″ N., longitude 73°54′21″ W.; thence along the Bronx shoreline easterly to Baretto Point at latitude 40°48′07″ N., longitude 73°53′07″ W.; thence southwesterly to the northwest tip of Rikers Island at latitude 40°47′52″ N., longitude 73°53′26″ W.; thence westerly to the southern tip of North Brother Island at latitude 40°47′57″ N., longitude 73°54′02″ W.; thence northwesterly to the origin.

### § 161.583 St. George special rule area.

The area adjacent to St. George, Staten Island, New York, bounded by a line beginning at latitude 40°38′42.2″ N., longitude 74°04′23.0″ W.; thence to latitude 40°38′49.0″ N., longitude 74°04′16.0″ W.; thence to latitude 40°38′44.0″ N., longitude 74°04′00″ W.; thence to latitude 40°38′37.0″ N., longitude 74°03′49.0″ W.; thence to latitude 40°38′36.0″ N., longitude 74°04′15.7″ W.; thence to the origin.

## PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

Sec.

162.15 Manhasset Bay, N.Y.; seaplane restricted area.
162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.
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162.180 Niagara River at Niagara Falls, N.Y.; restricted area.

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162.185 Rochester (Charlotte) Harbor, N.Y.
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162.195 Santa Monica Bay, Calif.; restricted area.
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162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.
162.225 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.
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162.240 Tongass Narrows, Alaska; navigation.
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162.250 Port Alexander, Alaska; speed of vessels.
162.255 Wrangell Narrows, Alaska; use, administration, and navigation.
162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.
162.265 San Juan Harbor, Puerto Rico; seaplane restricted area.
162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

AUTHORITY: Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n)(4).

SOURCE: CGD 75-082, 42 FR 51759, Sept. 29, 1977, unless otherwise noted.

### § 162.15 Manhasset Bay, N.Y.; seaplane restricted area.

(a) *The restricted area.* An area in Manhasset Bay between the shore at Manorhaven on the north and the southerly limit line of the special anchorage area in Manhasset Bay, west area at Manorhaven (described in § 202.60 of this chapter), on the south; its axis being a line bearing 166°50′ true from latitude 40°50′17.337″, longitude 73°43′03.877″, which point is on the south side of Orchard Beach Boulevard at Manorhaven; and being 100 feet wide for a distance of 380 feet in a southerly direction from the south side of Orchard Beach Boulevard, and thence flaring to a width of 300 feet at the southerly limit line.

(b) *The regulations.* (1) Vessels shall not anchor or moor within the restricted area.

(2) All vessels traversing the area shall pass directly through without unnecessary delay, and shall give seaplanes the right-of-way at all times.

### § 162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(a) *The area.* An area in the main channel in Flushing Bay extending for a distance of 300 feet on either side of the extended center line of Runway No. 13-31 at La Guardia Airport.

(b) *The Regulations.* (1) All vessels traversing in the area shall pass directly through without unnecessary delay.

(2) No vessels having a height of more than 35 feet with reference to the plane of mean high water shall enter or pass through the area whenever visibility is less than one mile.

### § 162.25 Ambrose Channel, New York Harbor, N.Y.; navigation.

(a) The use of Ambrose Channel (formerly and before improvement called "East Channel") is hereby restricted to navigation by vessels under efficient control with their own motive power and not having barges or other vessels or floats in tow. Sailing vessels and vessels carrying tows are not permitted to use this channel except under permit as provided in paragraph (b) of this section.

(b) The Captain of the Port, New York may authorize vessels under tow to use Ambrose Channel in special cases when, in his judgment, the draft of such vessels or other conditions may render unsafe the use of other channels.

(c) Vessels permitted to use Ambrose Channel under paragraphs (a) and (b) of this section must proceed through the channel at a reasonable speed such as not to endanger other vessels and not to interfere with any work which may become necessary in maintaining, surveying, or buoying the channel; and they must not anchor in the channel except in cases of emergency, such as fog or accident, which would render progress unsafe or impossible.

(d) This section is not to be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, nor in emergencies by pilot boats whether steam or sail, nor by police boats.

(e) This section shall remain in force until modified or rescinded, and shall supplant all prior regulations governing the use of Ambrose Channel, which are hereby revoked.

### § 162.30 Channel of Tuckerton Creek, N.J.; navigation.

(a) Power boats or other vessels propelled by machinery shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

### § 162.35 Channel of Christina River, Del.; navigation.

(a) That vessels of over 20 tons capacity, propelled by machinery, shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

### § 162.40 Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal).

(a) *Applicability.* The regulations in this section are applicable to that part of the inland waterway from Delaware River to Chesapeake Bay, Del. and Md., between Reedy Point, Delaware River, and Old Town Point Wharf, Elk River.

(b) *Speed.* No vessel in the waterway shall be raced or crowded alongside another vessel. Vessels of all types, including pleasure craft, are required to travel at all times at a safe speed throughout the canal and its approaches so as to avoid damage by suction or wave wash to wharves, landings, riprap protection, or other boats, or injury to persons. Pilots and vessel operators transiting the canal and its approaches are warned that violation of this rule may result in having their privilege to transit the canal suspended. Passages of vessels through the canal will be monitored and specific cases will be investigated where damage by suction or wave wash does occur. Owners and operators of yachts, motorboats, rowboats and other craft are cautioned that large deep draft ocean-going vessels and other large commercial vessels ply the canal, and such owners and operators should be particularly careful to moor or anchor well away from the main ship channels, with moorings and lines which are sufficient and proper.

(c) *Right-of-way.* All vessels proceeding with the current shall have the right-of-way over those proceeding against the current. Large vessels or tows must not overtake and attempt to pass other large vessels or tows in the waterway. All small pleasure craft shall relinquish the right-of-way to deeper draft vessels, which have a limited maneuvering ability due to their draft and size.

(d) *Stopping in waterway.* Vessels will not be permitted to stop or anchor in the ship channel.

(e) *Water skiing.* Water skiing in the waterway is prohibited between Reedy Point and Welch Point.

(f) *Sailboats.* Transiting the canal by vessels under sail is not permitted between Reedy Point and Welch Point.

Note: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.45 York Spit Channel, Chesapeake Bay; navigation.

The use of this channel shall be restricted to vessels and other watercraft passing up or down the bay, and no vessel or other watercraft shall cross the channel or enter it at any point other than at its ends and in the direction of its axis. Any vessel having entered the channel shall follow the course thereof for its entire length.

### § 162.50 Thimble Shoal Channel, Chesapeake Bay; navigation.

(a) The use of this channel shall be restricted to vessels, tows and other watercraft drawing 20 feet or more at the time of navigating the channel: *Provided,* That this restriction shall not apply to passenger-carrying vessels.

(b) Watercraft permitted to use the channel under paragraph (a) of this section shall proceed through at a reasonable speed so as not to endanger other vessels or interfere with any work in connection with maintaining, surveying or buoying the channel. Vessels shall not anchor in the channel except in cases of emergency, such as fog or accident, which would render progress unsafe or impossible.

(c) This section shall not be construed as prohibiting necessary use of the channel by Government boats while on Government duty, or its use in emergencies by pilot boats, whether steam or sail, or by police boats.

### § 162.55 Southern Branch of Elizabeth River: speed.

In that part of the Southern Branch of Elizabeth River between the junction of the Southern and Eastern Branches of the Elizabeth River and the Norfolk and Portsmouth Belt Line Railroad Bridge, no vessel shall move at a speed exceeding six knots.

### § 162.60 Little Creek, Va.: speed.

No vessel shall proceed at a speed exceeding five knots in that part of Fishermans Cove (Northwest Branch of Little Creek) between the highway bridge on U.S. Routes 60 and the mouth of the Cove.

### § 162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.

(a) *Description:* This section applies to the following:

(1) *Waterways.* All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intracoastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, Florida.

(2) *United States property.* All river and harbor lands owned by the United States in or along the waterways described in paragraph (a)(1) of this paragraph, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(3) *Vessels and rafts.* The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(b) *Waterways*—(1) *Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the various waterways under his charge.

(2) *Stoppage in waterway, anchorage or mooring.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in case of an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or craft. Stoppages shall be only for such periods as may be necessary.

(ii) No vessel or raft will be allowed to use any portion of the fairway as a mooring place except temporarily as authorized above without the written permission from the District Commander.

(iii) When tied up, all vessels must be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents or the suction of passing vessels. Tow lines shall be shortened so that the different parts of the tow shall be as close together as possible. In Narrow sections, no vessel or raft shall be tied abreast of another

(iv) Lights shall be displayed in accordance with provisions of the Inland Rules and the Pilot Rules for Inland Waters.

(v) No vessel, even if fastened to the bank as prescribed in paragraph (b)(2)(i) of this section, shall be left without a sufficient crew to care for it properly.

(vi) Vessels will not be permitted to load or unload in any of the land cuts except as a regular established landing or wharf without written permission secured in advance from the District Commander.

(vii) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing, if navigation is obstructed, thereby.

(viii) Except in cases of emergency the dropping of anchors, weights, or other ground tackle, within areas occupied by submarine cable or pipe crossings, is prohibited. Such crossings will ordinarily be marked by signboards on each bank of the shore or indicated on coast charts.

(3) *Speed.* (i) Vessels shall proceed at a speed which will not endanger other vessels or structures and will not interfere with any work in progress incident to maintaining, improving, surveying or marking the channel.

(ii) Official signs indicating limiting speeds through critical portions of the waterways shall be strictly obeyed.

(iii) Vessels approaching and passing through a bridge shall so govern their speed as to insure passage through the bridge without damage to the bridge or its fenders.

(iv) A vessel being overtaken by another shall slacken speed sufficiently to permit the passage to be affected with safety to both vessels.

(4) *Assembly and handling of tows.*

(i) All vessels drawing tows and equipped with rudders shall use two tow lines or a bridle and shorten them to the greatest possible extent so as to have full control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. If necessary, as in the case of lengthy or cumbersome tows or tows in restricted channels, the District Commander may require that tows be broken up and may require the installation of a rudder, drag or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others, including aids to navigation maintained by the United States or under its authorization, by collision or otherwise.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) Tows desiring to pass a bridge shall approach the opening along the axis of the channel so as to pass through without danger of striking the bridge or its fenders. No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(iv) In the event that it is evident to the master of a towing vessel that a tow cannot be safely handled through a bridge, it will be brought to anchor and the towed vessels will be taken through the bridge in small units, or singly if necessary, or the tow will wait until navigation conditions have improved to such an extent that the tow can pass through the bridge without damage.

(5) *Projections from vessels.* No vessel carrying a deck load which overhangs or projects over the side of said vessel, or whose rigging projects over the side of the vessel so as to endanger passing vessels, wharves or other property, will enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels, on meeting or overtaking, shall give the proper signals and pass in accordance with the Inland Rules and the Pilot Rules for Inland Waters. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges or other plant engaged on improvements to a waterway, shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then proceed to pass at a speed sufficiently slow to insure safe navigation.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and Atchafalaya River) from St. Marks, Fla., to the Rio Grande.

(a) The regulations in this section shall apply to:

(1) *Waterways.* All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, Fla., and

the Rio Grande, Tex. (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(2) *Bridges, wharves, and other structures.* All bridges, wharves, and other structures in or over these waterways.

(3) *Vessels.* The term "vessels" as used in this section includes all floating craft other than rafts.

(b) Waterways:

(1) A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways covered by the regulations of this section

(2) Fairway: The District Commander may specify the width of the fairway required in the various waterways under his charge.

(3) Anchoring or mooring:

(i) Vessels or tows shall not anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency, or with permission of the District Commander. Whenever it becomes necessary for a vessel or tow to stop in any such protions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or tows. Stoppages shall be only for such periods as may be necessary.

(ii) When tied up individually, all vessels and tows shall be moored by bow and stern lines. Tows shall be secured at sufficiently frequent intervals to insure their not being drawn away form the bank by winds, currents, or the suction of passing vessels. Lines shall be shortened so that the various barges in a tow will be as close together as possible.

(iii) Lights shall be displayed in accordance with provisions of the Inland Rules and the Pilot Rules for Inland Waters.

(iv) Whenever any vessel or tow is moored to the bank (paragraph (b)(3)(i) of this section) at least one crew member shall always remain on board to see that proper signals are displayed and that the vessel or tow is properly moored at all times.

(v) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing if navigation is obstructed thereby.

(4) Speed: Speeding in narrow sections is prohibited. Official signs indicating limited speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing over vessels or structures in or along the waterway.

(5) Size, assembly, and handling of tows:

(i) On waterways 150 feet wide or less, tows which are longer than 1,180 feet, including the towing vessel, but excluding the length of the hawser, or wider than one-half of the bottom width of the channel or 55 feet, whichever is less will not be allowed, except when the District Commander has given special permission or the waterway has been exempted from these restrictions by the District Commander. Before entering any narrow section of the Gulf Intracoastal Waterway, tows in excess of one-half the channel width, or 55 feet, will be required to stand by until tows which are less than one-half the channel width or 55 feet wide have cleared the channel. When passing is necessary in narrow channels, overwidth tows shall yield to the maximum. Separate permission must be received from the District Commander for each overlength or overwidth movement. In addition, the following exceptions are allowed:

(ii) Gulf Intracoastal Waterway—Between mile 6.2 EHL (Inner Harbor Navigation Canal Lock) and mile 33.6 EHL tows of 78 feet in width will be allowed.

(iii) Gulf Intercoastal Waterway—Between mile 33.6 EHL and the Mobile Bay Ship Channel, tows of 108 feet in width will be allowed if under 750 feet in length including the towboat but excluding the length of the hawser.

(iv) Gulf Intracoastal Waterway—Mobile Bay Ship Channel to St. Marks, Fla., for tows made up of empty barges on the off or shallow side, a width of 75 feet will be allowed.

(v) All vessels pulling tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened as much as safety of the towing vessel permits, so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel are permissible provided that adequate power is employed to keep the tows under full control at all times. No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(vi) All tows navigating the Pass Manchac bridges in Louisiana are limited to no more than two barges, not to exceed a combined tow length of 400 feet (excluding the towboat). Vessel operators for tows exceeding these limits must request and receive permission from the COTP New Orleans prior to navigating the bridges. Requests should be made by telephoning the COTP at 504-589-7101. Any decision made by the COTP is final agency action.

(6) Projections from vessels: Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Commander.

(7) Meeting and passing: Passing vessels shall give the proper signals and pass in accordance with the International Rules, the Inland Rules and the Pilot Rules for Inland Waters, where applicable. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersections.

Note: The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-050, 45 FR 43167, June 26, 1980]

Effective Date Note: At 45 FR 43167, June 26, 1980, § 162.75(b)(5)(vi) was added, effective July 28, 1980.

### § 162.80 Mississippi River below mouth of Ohio River, including South and Southwest Passes.

(a) *Mooring on Mississippi River between Miles 314.5 AHP and 340.0 AHP.* (1) No vessel or craft shall moor along either bank of the Mississippi River between Mile 314.5 AHP and Mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Commander. Vessels may be moored any place outside the navigation channel in this reach in case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to insure that proper signals are displayed and that the vessels are securely and adequately moored.

(2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Commander. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessels

to break their mooring. Number of vessels in one fleet and the width of the fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any Government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in paragraph (a)(1) of this section. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.85 Yazoo Diversion Canal, Vicksburg, Miss., from its mouth at Kleinston Landing to Fisher Street; navigation.

(a) *Speed.* Excessive speeding is prohibited. A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees, floodwalls withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other structure or improvement likely to be damaged by collision, suction, or wave action.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.90 White River, Arkansas Post Canal, Arkansas River, and Verdigris River between Mississippi River, Ark., and Catoosa, Okla.; use, administration, and navigation.

(a) The regulations in this section shall apply to:

(1) *Waterways.* White River between Mississippi River and Arkansas Post Canal, Ark.; Arkansas Post Canal, Ark.; Arkansas River between Arkansas Post Canal, Ark., and Verdigris River, Okla.; Verdigris River between Arkansas River and Catoosa, Okla.; and reservoirs on these waterways between Mississippi River Ark., and Catocsa, Okla.

(2) *Bridges, wharves and other structures.* All bridges, wharves, and other structures in or over the waterways described in paragraph (a)(1) of this section.

(3) *Vessels and rafts.* The term "vessels" as used in this section includes every description of watercraft used, or capable of being used, as a means of transportation on water, other than rafts.

(b) Waterways:

(1) *Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the waterways under his charge.

(2) *Anchoring or mooring in waterway.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or rafts. Stoppages shall be only for such periods as may be necessary.

(ii) Except temporarily, as authorized in paragraph (b)(2)(i) of this section, no vessel or raft will be allowed to use any portion of the fairway as a mooring place without written permission from the District Commander.

(iii) When tied up individually, all vessels shall be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Towlines shall be shortened so that the different parts of the tow will be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another if the combined width of vessels or rafts is greater than 70 feet.

(iv) When a vessel is moored under an emergency condition, as provided in paragraph (b)(2)(i) of this section, at least one crew member shall remain in attendance to display proper lights and signals and tend the mooring lines. The crew member shall be provided with an adequate means of communication or signalling a warning in the event that, for any reason, the vessel or tow should go adrift. Immediately after completion of the emergency mooring, the lockmaster of the first lock downstream shall be notified of the character and cargo of the vessel and the location of such mooring.

(v) Vessels will not be permitted to load or unload in any of the land cuts, except at a regular established landing or wharf, without written permission secured in advance from the District Commander.

(vi) Except in an emergency, no vessel or raft shall anchor over revetted banks of the waterway, nor shall any type vessel except launches and other small craft land against banks protected by revetment except at regular commercial landings.

(3) *Speed.* (i) Excessive speed in narrow sections is prohibited. Official signs indicating limiting speeds through critical sections shall be strictly obeyed.

(ii) When approaching and passing through a bridge, all vessels and rafts, regardless of size, shall control their speed so as to insure that no damage will be done to the bridge or its fenders.

(iii) Within the last mile of approach to unattended, normally open automatic, movable span bridges, the factor of river flow velocity, of vessel (and tow) velocity, and of vessel power and crew capability are never to be permitted to result in a condition whereby the movement of vessel (and tow) cannot be completely halted or reversed within a 3-minute period.

(iv) A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other manner of structure or improvements likely to be damaged by collision, suction, or wave action.

(4) *Assembly and handling of tows.* (i) All vessels drawing tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridlse on one towline, shortened to the greatest possible extent so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of length or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel is permissible provided that adequate power is employed to keep the tow under full control at all times.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(5) *Projections from vessels.* No vessels carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels on meeting or overtaking shall give the proper signals and pass in accordance with the Inland Rules and the Pilot Rules for Inland Waters. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges or other plant engaged on improvements to a waterway shall give the signal for passing and slow down

sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then pass at a speed sufficiently slow to insure safe navigation. Vessels approaching an intersection or bend where the view is obstructed must exercise due caution. At certain intersections where strong currents may be encountered, sailing directions may be issued from time to time through navigation bulletins or signs posted on each side of the intersections which must be observed.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### §162.100 Ohio River at Louisville, Ky.; restricted area.

(a) *The area.* The portion of the Ohio River from the Clark Memorial (highway) Bridge, Mile 603.5, downstream to McAlpine Dam, Mile 604.4.

(b) *The regulations.* (1) No pleasure or fishing craft shall be operated within the restricted area at any time without prior permission of the Captain of the Port, Louisville, except in case of emergency and except:

(i) For passage through the Louisville and Portland Canal;

(ii) For launching and docking at the Louisville, Kentucky Wharf within the restricted area; and

(iii) During open river conditions.

### § 162.105 Missouri River; administration and navigation.

(a) *Supervision.* The District Commander, Second Coast Guard District, has certain administrative supervision overreaches of the river within the limits of his district and is charged with the enforcement under his direction of emergency regulations to govern navigation on the river.

(b) *Navigation.* During critical flood stages on any particular limited reach of the Missouri River when lives, floating plant, or major shore installations and levees are endangered, the District Commander in charge of the locality shall have the authority to declare the reach of the river closed to navigation or to prescribe temporary speed regulations whenever it appears to him that such action is necessary to prevent immediate human suffering or to mitigate major property damage or destruction from wave action. The period of closure and all speed regulations prescribed by the District Commander shall be for the duration of the emergency as determined by the District Commander and shall be terminated at the earliest practicable time that improved river conditions permit.

### § 162.110 Duluth-Superior Harbor, Minn., and Wis.; use, administration, and navigation, and bridge regulations.

(a) *Navigation regulations*—(1) *Speed of vessels.* (i) Vessels will not be restricted as to speed while passing through the channels between entrance piers, but vessels of 300 gross tons and upward shall not exceed 8 miles per hour while running through any of the dredged channels within the harbor.

(ii) When approaching a bridge (excepting the Duluth Ship Canal bridge) the speed shall be reduced enough to enable the vessel, in case the draw fails to open, to come to a dead stop without striking the bridge.

(iii) No restrictions as to speed are required for passing the Duluth Ship Canal bridge. However, vessels approaching this bridge should make such reductions in speed as the currents and weather conditions will permit and still allow for safe passage through the canal.

(iv) While passing all other bridges under ordinary conditions of weather the speed should not exceed 6 miles per hour. A greater speed will be allowed when necessary for steerage as when running light in a wind.

(v) A steamer must employ a tug or tugs whenever the conditions of weather or currents make the passage difficult or dangerous to either the vessel or the bridge.

(2) *Passing in Duluth Ship Canal.* Self-propelled vessels exceeding 300 gross tons, and barges or scows exceeding (light) 100 displacement tons, shall not pass within the canal. Inbound vessels shall have the right of way.

(3) *Anchorage of vessels.* (i) Vessels shall not anchor in the entrance canals, or in any of the navigable channels, except in the harbor basins,

and then only where not in the way of passing vessels.

(ii) Vessels and rafts shall not be anchored or otherwise fastened where they are liable to swing into the channels by reason of a wind or current.

(iii) The position and arrangement of vessels lying at anchor in the harbor basin shall be subject to the direction of the District Commander, or his authorized representatives, and vessels shall, when so directed, promptly shift their position to another part of the basin.

(4) *Dragging anchors.* No vessel shall be towed while the anchor of such vessel is down or dragging at the bottom of the channel.

(5) *Towing through bridges.* Freight steamers shall not tow consorts astern while passing through the bridges of this harbor, the Duluth Ship Canal bridge excepted. Towing alongside the steamer will, however, be permitted.

(6) *Patrol signals.* (i) Three short blasts of the signal whistle when sounded from a patrolling vessel will indicate that the vessel to which such signal is given is proceeding at too high a rate of speed, and such vessel must immediately moderate its speed.

(ii) Three long blasts of the signal whistle followed by two short blasts when sounded from a patrolling vessel, will indicate that the vessel to which such signal is given must stop until further orders from the patrolling vessel.

(iii) One long blast, followed by four short blasts, when sounded from the patrolling vessel, will indicate that the vessel to which such signal is given may proceed on its course.

(7) *Other requirements.* (i) No vessel shall be moored to any United States pier.

(ii) No material of any kind shall be loaded on or loaded from the United States piers, except for the use of the United States, unless by special permission of the Captain of the Port.

(iii) Vessels shall take great care not to run into, strike, rub against, or otherwise injure the United States piers, buoys, or beacons in the harbor.

(iv) Dredges and attending scows and tugs are expected and required to give half the channel for passing vessels, and the latter are required to do the same when passing the dredges or other craft.

(v) Where there are two or more channels leading to a given point, in one of which improvement work is going on, the latter channel may be temporarily closed to navigation by the District Commander after due notice.

### § 162.115 Keweenaw Waterway, Mich.; use, administration, and navigation.

(a) *Authority.* The movement of all vessels, rafts, and floating craft of every description which makes use of this waterway, the approaches thereto, and connecting waters, shall be under the general direction of the District Commander, Ninth Coast Guard District.

(b) *Speed of vessels.* The speed of vessels of more than 20 tons shall not exceed eight statute miles per hour between Lily Pond and Pilgrim Point.

(c) *Towing.* Boats engaged in towing shall use towlines of such number, type and length as will insure full control over their tows at all times and the safe passing of other craft or canal structures and markers.

(d) *Channel markers.* Masters of vessels shall keep careful watch when passing aids to navigation, and should any be accidentally displaced they shall report this fact to the local United States Coast Guard Station.

(e) *Harbors of refuge.* Two mooring basins of limited area are located in the waterway. Portage River Harbor of Refuge near the Portage entry, and Lily Pond Harbor of Refuge between Portage Lake and the Upper Entrance. Craft using these harbors are required to make fast to the mooring piers, and except in case of storms or breakdowns shall not use the harbors longer than 24 hours without special permission from the Captain of the Port, Duluth. The position and arrangement of vessels moored in the harbors will be subject to the direction of the Captain of the Port.

(f) *Mooring to Government structures.* No vessels or craft of any kind shall moor or tie up to any Government structures other than the mooring piers which are provided for the use of vessels at the harbors of refuge.

(g) *Damage to Government structures.* The regulations in this section shall not affect the liability of the owners and operators of vessels for any damage caused by their operations to breakwaters, piers, and revetments. Vessels shall use great care not to strike or injure these structures.

(h) *Use or injury of Government property.* The occupancy or use of Government structures and of Government lands adjoining the waterway for private business of any kind, storage of property, or residence purposes is prohibited. The injury or defacement of Government buildings, structures, trees, or property of any kind is prohibited.

(i) *Obstructing navigation.* No person shall willfully or carelessly obstruct or hinder the free navigation of the waterway.

### § 162.120 Harbors on Lake Michigan; speed of vessels.

(a) *East shore.* The speed of all vessels and other watercraft entering or leaving the harbors of Michigan City, Ind.; St. Joseph, South Haven, Saugatuck, Holland (Lake Macatawa), Grand Haven, Muskegon, White Lake, Pentwater, Ludington, Manistee, Portage Lake (Manistee County), Frankfort, Charlevoix, and Petoskey, Mich., shall be reduced to and shall not exceed a rate of 8 miles per hour.

(b) *West shore.* The speed of all vessels and other watercraft entering or leaving the harbors of Menominee, Mich. and Wis.; Algoma, Kewaunee, Two Rivers, Manitowoc, Sheboygan, Port Washington, Milwaukee, Racine, and Kenosha, Wis., and Waukegan, Ill., shall be reduced to and shall not exceed a rate of 4 miles per hour.

### § 162.125 Sturgeon Bay and Lake Michigan Ship Canal, Wis., use and navigation.

(a) *Supervision.* The movement of all boats and floating things in the canal and in the approaches thereto shall be under the direction of the Captain of the Port, Milwaukee.

(b) *Signals.* On entering the canal at either entrance, steamers or tugs must blow their whistles for 1 minute in order to warn craft approaching from opposite direction and give them time to guard against collisions, by tying up if necessary. All steamers approaching others going in the opposite direction shall slacken speed so as to pass in safety. Compliance is required with rule V of the Inland Rules and the Pilot Rules for Inland Waters.

Rule V. Whenever a steamer is nearing a short bend or curve in the channel where, from the height of the banks or other cause, a steamer approaching from the opposite direction cannot be seen for a distance of half a mile, the pilot of such steamer, when he shall have arrived within half a mile of such curve or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast by the pilot of any approaching steamer that may be within hearing. Should such signal be so answered by a steamer upon the farther side of such bend, then the usual signals for the meeting and passing shall immediately be given and answered; but if the first alarm signal of such pilot be not answered, he is to consider the channel clear and govern himself accordingly.

(c) *Speed.* The rate of speed while passing through the canal shall not exceed 5 miles per hour.

(d) *Keeping in the center.* The center must be kept all the way through, except in passing other craft. In case of grounding, the rapid or strong working of boat's engines is strictly forbidden.

(e) *Draft of boats.* No vessel shall enter the canal whose actual draft exceeds the least depth of water in the channel of the canal as given by the Captain of the Port or his authorized representative.

(f) *Turning around in canal.* Tugs or other steam vessels exceeding 150 feet in length are forbidden to turn around or to attempt to turn around in the canal.

(g) *Navigating the canal.* All vessels and boats are forbidden:

(1) To enter the canal two or more abreast.

(2) To pass another while going in the same direction in the canal.

(3) To pass the canal in more than one line going each way.

(4) To obstruct the canal in any way or to delay, by slow passage through the canal or by any other means, the progress of other vessels.

(5) To attempt passing the canal in the face of running ice, except at their

own risk and liability to make good any damage to the canal or its banks, which may result from such attempt.

(h) *To shorten sail.* No vessel, however propelled or being towed, shall pass through the canal with sail or sails up, except sail vessels running with a fair wind. Every craft that sails into or attempts to sail into or through the canal must be responsible for any damage resulting therefrom.

(i) *Towing.* (1) All boats engaged in towing vessels that are laden, or partially laden, shall use two towlines and shorten them to the greatest extent, so as to have full control of their tows, and thereby avoid accident while meeting or otherwise passing other craft. Boats that are towing vessels without cargo need use but one towline, but the line between the steamer and the first vessel or barge of the tow must not exceed 100 feet in length. Towing more than one craft abreast, or rafts of greater width than 50 feet, is forbidden.

(2) Towing in the same tow of more than one scow or barge of 1,000 tons or more, of a draft not exceeding 10 feet when loaded, whose load is carried on the deck, is hereby prohibited, except upon condition that there shall be two towlines between each vessel in the tow, the lines to be secured to the starboard and port quarters of each craft and to be of a length not to exceed 25 feet in the clear.

(j) *Harbor of refuge.* The anchoring or mooring of any craft in any part of the canal, except at such place or places as may be directed by the Captain of the Port or his authorized representative, is strictly forbidden. The master of any craft entering into the canal for shelter shall report such fact at once to the Captain of the Port, who will thereupon assign a mooring to such craft. Moorings will usually be assigned at the westerly end of the canal. Under no circumstances shall vessels, other than those on Government business, be permitted to moor or make fast to either of the converging piers or any of the appurtenances thereto, at the Lake Michigan entrance to the canal. Should it become necessary, in the judgment of the Captain of the Port, for a vessel moored in the canal to change its moorings, the vessel shall be prompty moved as may be directed by the Captain of the Port.

(k) *Injury to cribs, piers, and sheet piling.* Vessels shall use great care not to strike or injure the cribs, piers, sheet piling, or any structure pertaining to the canal.

(l) *Obstructing navigation.* Anyone who shall willfully or through carelessness in any way obstruct the free navigation of the canal, or by the violation of any of the laws or regulations governing the canal and those using it, delay or inconvenience any boat having the right to use the canal, shall be responsible for all damages and delays and for all expenses of removing the obstructions.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.130 Waukegan Harbor, Ill.

(a) All vessels or other craft are forbidden to lie at anchor in the basin or channel of Waukegan Harbor except for refuge from storms, or in any way to obstruct free navigation of the harbor.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.135 Connecting waters of the Great Lakes from Lake Huron to Lake Erie; use, administration and navigation.

(a) *General*—(1) *Application and supervision.* The regulations in this section shall apply to such of those waters as are within the United States. These waters are under the general supervision of the District Commander, Ninth Coast Guard District.

(2) *Local arrangements.* The District Commander may make lcoal arrangements with authorized Canadian officials in the interest of safety of operations, to facilitate movement of traffic, to avoid disputes as to jurisdiction and to take necessary action and render assistance in emergencies.

(3) *Patrol vessels.* The anchorage and movement of all vessels shall be under the direction and subject to the orders of officers in charge of patrol vessels. The following sound signals shall be used by patrol vessels as required:

(i) Three long blasts of a whistle or horn, which signal may also be used by dredges, drill scows, derrick scows, sweep scows, and other floating plant engaged in the maintenance and improvement or investigation of channels, to indicate that the vessel to which it is given is moving at too high a rate of speed; such vessel shall immediately slacken its speed.

(ii) Four long blasts of a whistle or horn, to indicate that the vessel to which the signal is given must stop until further orders are received from the patrol vessel.

(iii) One long blast, followed by four short blasts, of a whistle or horn, to indicate that the vessel to which the signal is given may proceed on its course. (Radiotelephone may be used in lieu of sound signals.)

(4) *Other obligations.* The regulations in this section shall not be considered to cover all the obligations imposed by law upon vessels and their operators, and shall not be construed as relieving the owners or operators of vessels from any penalties which may be incurred in the violation of the laws relating to navigation on the Great Lakes and their connecting waters or the regulations issued pursuant to such laws.

(5) *Definitions.* As used in this section, the terms:

(i) "St. Clair River" shall apply to the connecting waters of the Great Lakes from the lakeward limits of the improved navigation channels at the foot of Lake Huron to the St. Clair Flats Canal Light 2 at the upper end of Lake St. Clair.

(ii) "Lake St. Clair" shall apply to the channels lying westerly from the International Boundary from the St. Clair Flats Canal Light 2 to Windmill Point Light at the head of the Detroit River.

(iii) "Upper Detroit River" shall apply to that portion of the Detroit River extending from Windmill Point Light to Fighting Island North Light.

(iv) "Lower Detroit River" shall apply to that portion of the river between Fighting Island North Light and the lakeward limits of the improved navigational channels at the head of Lake Erie.

(v) "Patrol Vessel" means a vessel operated by the United States Coast Guard, the Canadian Coast Guard, the Royal Canadian Mounted Police or a harbor master.

(b) *Length of towlines.* On the connecting waters of the Great Lakes between the Lake Huron Lightship and the southerly limits of the improved channels of the Detroit River, terminating in Lake Erie, the length of towlines shall not exceed by more that 50 feet the length of the scow, barge, vessel, or other craft being towed: *Provided,* That no scow, barge, vessel or other craft shall be required to have a towline less than 250 feet. The length of the towline shall be measured from the stern of one vessel to the bow of the following vessel.

(c) *Routes*—(1) *St. Clair River in vicinity of Port Huron and Sarnia.* Vessels in transit shall pass to right of the black and white vertical striped buoy, situated just above the mouth of the Black River and known as Port Huron Traffic Lighted Buoy. Downbound vessels shall navigate the west or American Channel below Sarnia Elevator Light. Upbound vessels shall navigate the Canadian Channel east of the Port Huron Traffic Lighted Buoy.

NOTE: Channels east of Stagg Island, east of the St. Clair Middle Ground and the South East Bend Channel below the St. Clair Cut-off are no longer maintained.

(2) *Lower Detroit River south of Livingstone Channel Upper Entrance Light.* Downbound vessels shall navigate the Livingstone Channel (west of Bois Blanc Island) except that downbound passenger vessels may use the Amherstburg Channel (east of Bois Blanc Island) and except as hereinafter provided. All downbound vessels shall enter Lake Erie through the East Outer Channel east of Detroit River Light except those whose draft permits may enter Lake Erie through the West Outer Channel west of Detroit River Light. Upbound vessels shall enter from Lake Erie by way of the East Outer Channel east of Detroit River Light and shall use the Amherstburg channel, except that under certain conditions during the winter navigation season two-way traffic will be allowed in Livingstone Channel and in the West Outer Channel west of

Detroit River Light. The conditions for use of these downbound channels, including the opening and closing dates for two-way traffic, will be established each year by the District Commander.

(3) *Vessels exempted.* The regulations in this paragraph do not apply to public vessels of the United States, craft employed upon river and harbor improvement work, and vessels under 100 gross tons or vessels making local stops along these routes.

(d) *Speed.* Commercial vessels (including tug and barge combinations) 65 feet or greater, in length shall not exceed the following speeds measured in statute miles per hour over the bottom:

(1) In the St. Clair River:

(i) Between Fort Gratiot Light and Stag Island Upper Junction Lighted Buoy, 9 m.p.h. for upbound vessels and 12 m.p.h. for downbound vessels.

(ii) Between Stag Island Upper Junction Lighted Buoy and Harsens Island Rear Range Light, 12 m.p.h. for both upbound and downbound vessels.

(iii) Between Harsens Island Rear Range Light and St. Clair Cut-off channel Lt2, FlR, 10 m.p.h. for both upbound and downbound vessels.

(2) In the Detroit River:

(i) Between the black turn buoy (lat. 42°22.0′ N., long. 82°54.0′ W.—Lake St. Clair), and Fighting Island South Light, 12 m.p.h. for upbound vessels and 14 m.p.h. for downbound vessels.

(ii) Between Fighting Island South Light and Detroit River Light 12 m.p.h. for both upbound and downbound vessels.

(3) [Reserved]

(4) In the St. Clair River when the stage of Lake Huron exeeds two (2) feet above International Great Lakes Datum, the District Commander may, if he deems it necessary to protect life and property, including floating plant or shore installations, reduce the allowable maximum speed in all or any part of the river. Temporary speed limits so prescribed shall become effective through publication in a Notice to Mariners and may be modified or likewise rescinded by the District Commander as changing water stages permit or make necessary.

(e) *Passing.* (1) In the St. Clair River and the Lower Detroit River, any vessel overtaking a tug with a tow moving in the same direction may pass such tow after an exchange of signals indicating on which side the vessel desires to pass, and the pilot of the tug shall haul with the tow to the proper side of the channel to provide passing room.

(2) In the St. Clair River, no vessel of 500 gross tons or over shall pass or attempt to pass another vessel of 500 gross tons or over moving in the same direction within the following limits:

(i) *Downbound.* From the first buoy above Fort Gratiot Light to Port Huron Traffic Lighted Buoy; and from Walpole Island Upper Light to the St. Clair Flats Canal Light 2.

(ii) *Upbound.* From the St. Clair Flats Canal Light 2 to Walpole Island Upper Light; and from Port Huron Traffic Lighted Buoy to the first buoy above Fort Gratiot Light.

(3) In the Lower Detroit River between Fighting Island South Light and Bar Point Pier Light 29D, no vessel shall pass or attempt to pass another vessel or vessels moving in either the same or opposite direction when more than two vessels would be abreast.

(4) There shall be a time interval of not less than five (5) minutes between any two vessels entering or navigating the Livingstone Channel between the Upper Entrance Light and Bar Point Pier Light 29D except that tugs without tows and vessels under 100 gross tons are exempted from this rule. This requirement shall not apply under emergency conditions such as might exist when the vessel ahead is proceeding below the speed limits due to engine breakdown or other difficulties, provided the vessel ahead assents to the passing, the overtaking vessel remains within the speed limits, and the passing may be safely undertaken.

(f) *Obstruction of traffic.* (1) No person shall willfully or carelessly obstruct the free navigation of any of the waterways to which the regulations in this section apply, or delay any vessel having the right to use the waterway.

(2) No vessel shall anchor within the limits of any of the improved channels

nor west of the International Boundary Line in the area of the Detroit River between the upstream limits of the Windsor Harbor Anchorage Area north of Fighting Island and the aerial cable across the Detroit River at Fort Wayne except in distress or under stress of weather. Any vessel forced to anchor in this forbidden area shall leave the area as soon as possible.

(3) No vessel of 500 gross tons or over shall anchor in the Detroit River between Belle Isle and Fighting Island so as to have any part of the vessel extended riverward more than 300 feet from shore nor in such position as will interfere with easy movement to and from any dock except in distress or under stress of weather. Vessels unable to comply with this subparagraph and paragraph (f)(2) of this section shall request anchorage instructions from the U.S. Coast Guard, Belle Isle Lifeboat Station or the Windsor Harbor Master.

(4) Motorboats (as defined by the Motorboat Act of April 25, 1940), sailboats, rowboats, and other small crafts shall not anchor or drift in the regular ship channels except under stress of weather or in case of breakdown. Such craft shall be so operated that they shall not interfere with the safe passage of a vessel which can navigate only inside such channels.

(5) Whenever vessels collect in any of the channels by reasons of fog, smoke, ice, or other obstruction, their anchorage and movement shall be under the direction and control of an officer of the United States Coast Guard or patrol vessel, except as provided in paragraph (f)(6) of this section. Regular scheduled vessels carrying passengers or mail may be advanced in order, and any vessel not ready to move when directed to do so may lose its position. The masters of all vessels shall comply promptly with the orders of the patrol vessels.

(6) When, as determined by the District Commander or his authorized representative, there is a stoppage of, interference with or danger to navigation by reasons of the sinking or grounding or unnecessary delay in any channel of any vessel, boat, water craft or raft or other obstruction, he may stop all vessels and direct their anchorage, clear the channel, designate the order in which all vessels shall proceed after the channel is open, and shall do all things deemed necessary to safeguard and expedite the passage of vessels.

(g) *Vessels aground or not under command.* (1) A vessel over sixty-five feet in length aground or disabled in or near the channel, in addition to displaying the lights or day signals required by Rule 30, of the Rules of the Road—Great Lakes, upon the approach of another vessel bound up or down the channel, shall sound the danger signal of several short and rapid blasts of the whistle, not less than five. If the approaching vessel cannot pass with safety, it shall stop at a safe distance from, and make proper dispositions to avoid fouling the grounded or disabled vessel, and upon the approach of another vessel coming up astern shall repeat the danger signal. Each additional vessel approaching from the same direction shall be similarly warned, in turn, by the vessel preceding. Each vessel shall keep a safe distance from the vessel ahead until the channel has been cleared, and shall pass a grounded or disabled vessel at reduced speed and with caution.

(2) Any vessel passing a stranded or disabled vessel shall report the location and nature of the casualty to the U.S. Coast Guard.

### § 162.140 Rouge River and Short Cut Canal, Mich.; use, administration and navigation.

(a) The following regulations govern the use, administration, and navigation of Rouge River and Short Cut Canal upstream to and including the turning basin upstream of the Dix Avenue Bridge.

(b) Unless otherwise specified, the term "vessel" as used in the regulations in this section shall mean all vessels of 100 or more gross tons and, regardless of tonnage, all tugs with tows.

(c) No vessel shall exceed a speed of 4 miles per hour while navigating in Rouge River or Short Cut Canal.

(d) Vessels are forbidden to enter, or move in, the channel two or more abreast.

(e) No vessel shall pass, or attempt to pass, another vessel moving in the same direction.

(f) All vessels equipped with radio telephone shall thereby broadcast the following security calls:

(1) Within 20 to 30 minutes before entering Rouge River or Short Cut Canal.

(2) Within 20 to 30 minutes before departing any mooring or docking in Rouge River or Short Cut Canal.

(3) Immediately upon leaving Rouge River or Short Cut Canal.

(4) Each 30 minutes when a vessel or any part thereof is lying in the channel for loading, unloading, or other purposes and is in position to obstruct other traffic.

(g) Every vessel, boat, raft, or other floating property which is not underway or anchored in Rouge River shall be securely moored to or made fast to the shore or wharf to avoid its drifting or sliding into the channel or otherwise obstructing navigation.

### § 162.145 Monroe Harbor, Mich.; use, administration, and navigation.

(a) No vessel shall exceed a speed of 6 miles per hour in the river channel nor 10 miles per hour in the lake channel.

(b) No vessel or other craft shall moor or anchor in or along any improved channel or basin in such a manner as to interfere with the improvement or maintenance operations therein. Whenever in the opinion of the District Commander or his authorized representative, any vessel or craft is so moored or anchored, the owner thereof shall cause such vessel or craft to be moved upon notification from, and within the time specified by, said District Commander.

(c) No tow shall enter or pass through the river portion of the channel with a towline more than 200 feet in length.

### § 162.150 Maumee Bay Channel, Ohio; use, administration and navigation.

(a) *Definition.* the term Bay Channel as used in the regulations of this section means the straight channel in Maumee Bay from the mouth of Maumee River to the lakeward limit of the improved channel connecting with the various sailing courses in Lake Erie. The term River Channel when used in the regulations of this section means the improved navigation channel in the Maumee River, from the mouth of the river to the upstream limit of the authorized Toledo Harbor project, about 7 miles upstream from the river mouth. The demarcation between Bay Channel and River Channel as used in the regulations of this section is the lakeward (East) end of the diked island area situated at the north side of the channel opposite the coal-loading docks.

(b) Speed:

(1) *Bay channel.* Vessels of 500 gross tons or over shall not navigate the straight channel in Maumee Bay at a speed exceeding 12 statute miles per hour over the bottom.

(2) *River channel.* Vessels of 100 gross tons or over, with or without tows, shall not navigate the channel in Maumee River upstream of the demarcation line at a speed in excess of 6 statute miles per hour over the bottom.

(c) Vessels of 500 gross tons or over, or tugs with tows, shall not navigate the Bay Channel or the river Channel from the mouth upstream to the railroad bridge, located about 2 miles upstream of the mouth of the river, two abreast, except in overtaking situations.

(d) Vessels of 500 gross tons or over, or tugs with tows, shall not overtake or pass another vessel traveling in the same direction in the Bay Channel, or in the River Channel from the mouth upstream to the railroad bridge located about 2 miles upstream of the mouth of the river, where such will result in meeting a vessel or tug with tow navigating in the opposite direction during the overtaking situation.

(e) Vessels of 500 tons or over, or tugs with tow, shall not overtake or pass a vessel traveling in the same direction in the River Channel upstream of the railroad bridge located about 2 miles upstream of the mouth of the river.

(f) No vessel, while moored or at anchor, or by excessive slow passage or otherwise underway, shall unreasonably obstruct the free passage and progress of other vessels.

(g) No vessel shall moor or anchor to any structure of the United States without the consent of the Captain of the Port, Toledo.

### § 162.155 Sandusky Harbor, Ohio

(a) No vessel shall exceed a speed of 10 miles per hour in Sandusky Harbor.

(b) No vessel shall cross the edges of the channel without reducing its speed sufficiently to avoid displacement of said edges. Vessels crossing said channel shall keep out of the way of vessels navigating the channel.

(c) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.160 Vermilion Harbor, Ohio.

(a) No vessel shall exceed a speed of six miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.165 Harbors of Huron, Lorain, Cleveland, Fairport, Ashtabula, Conneaut, Ohio.

(a) No vessel shall exceed a speed of 6 miles per hour, except in the outer harbors where the maximum speed shall be 10 miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.170 Buffalo Harbor, N.Y.

(a) No vessel shall exceed a speed of 6 miles per hour except in the outer harbor where the maximum speed shall be 10 miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.175 Black Rock Canal and Lock at Buffalo, N.Y.

(a) No vessel or boat shall navigate the Black Rock Canal at a rate of speed greater than 6 statute miles per hour. This rate of speed will require elapsed time to navigate between designated points as follows:

From North Breakwater Light to Ferry Street Bridge, 26¼ minutes.

From South end of Bird Island Pier to Ferry Street Bridge, 18¾ minutes.

From Ferry Street Bridge to International Bridge, 11½ minutes.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.180 Niagara River at Niagara Falls, N.Y.; restricted area.

(a) *The area.* (1) The United States waters of Niagara River downstream of a limit whose true bearing is south 38 degrees west from the downstream (westerly) side of the mouth of Gill Creek to and including the crests of the American and Horseshoe Falls, Niagara Falls, New York. The upstream limiting line of the area if projected to the Canadian shore of Niagara River will intersect the upstream end of the breakwater at the mouth of the Welland River.

(b) *The regulations.* (1) Navigation by all classes and types of vessels is prohibited in the area except that owners of floating plant engaged in survey and construction may enter the restricted water area provided they apply for and obtain the express consent of the District Commander, Ninth Coast Guard District.

### § 162.185 Rochester (Charlotte) Harbor, N.Y.

(a) No vessel shall exceed a speed of 6 miles per hour in Rochester (Charlotte) Harbor, New York.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.190 St. Lawrence River, Cape Vincent Harbor, N.Y.; navigation of the harbor and United States breakwater.

(a) The term "harbor" when used in this section, applies to all that portion of the St. Lawrence River lying within the following boundaries: Beginning at a point on the harbor face of the breakwater at its easterly end and extending in a straight line along the harbor face of the main part of the breakwater and in extension thereof westerly approximately 2,400 feet; thence at right angles to the above-described line southerly to the northeast corner of the "L" dock at the foot of Market Street, approximately 300 feet; thence easterly along the dock face and shoreline to a point in a line at right angles to the breakwater at its easterly end; and thence along this last described right angle line to the point of beginning.

(b) The navigation of said harbor shall be under the direction of the Captain of the Port, Buffalo.

(c) Vessels shall not exceed a speed of 8 miles per hour in the harbor.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.195 Santa Monica Bay, Calif.; restricted area.

(a) *The area.* The waters of the Pacific Ocean, Santa Monica Bay, in an area extending seaward from the shoreline a distance of about 5 nautical miles (normal to the shoreline) and basically outlined as follows:

| Station | Latitude North | Longitude West |
|---|---|---|
| A | 33°54'59" | 118°25'41" |
| B | 33°54'59" | 118°28'00" |
| C | 33°53'59.5" | 118°31'37" |
| D | 33°56'19.5" | 118°34'05" |
| E | 33°56'25" | 118°26'29" |

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

(3) All vessels entering the area, other than vessels operated by or for the United States, the State of California, the county of Los Angeles, or the city of Los Angeles, shall proceed across the area by the most direct route and without unnecessary delay. The area will be open and unrestricted to small recreational craft for recreational activities at all times.

(4) The placing of bouys, markers, or other devices requiring anchors will not be permitted.

(5) The city of Los Angeles will maintain a patrol of the area as needed.

### § 162.200 Marina del Rey, Calif.; restricted area.

(a) *The area.* That portion of the Pacific Ocean lying shoreward of the offshore breakwater and the most seaward 1,000 feet of the entrance channel between the north and south jetties, and basically outlined as follows:

| Station | Latitude | Longitude |
|---|---|---|
| A | 33°57'46.0" | 118°27'39.5" |
| B | 33°57'52.3" | 118°27'43.6" |
| C | 33°57'48.6" | 118°27'48.8" |
| D | 33°57'29.8" | 118°27'34.7" |
| E | 33°57'30.9" | 118°27'29.1" |
| F | 33°57'37.4" | 118°27'33.8" |
| G | 33°57'42.4" | 118°27'23.0" |
| H | 33°57'50.6" | 118°27'28.3" |

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission except in an emergency.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.205 San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(a) *Pinole Shoal Channel, San Pablo Bay; use, administration, any navigation.* (1) The use of Pinole Shoal Channel is reserved for navigation of vessels of greater draft than 20 feet or by towboats with tows drawing more than 20 feet. Vessels operaterd by either sail or power and tows drawing less than 20 feet are not permitted to use this channel or to cross it at any point between San Pablo Bay Lighted Buoy 5 and San Pablo Bay Lighted Bell Buoy 13.

(2) Vessels permitted to use Pinole Shoal Channel under paragraph (a)(1) of this section shall proceed through the channel at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel, except in cases of emergency such as fog or accident which would render progress unsafe or impossible.

(3) This paragraph shall not be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, or in emergencies by pilot boats, whether steam of sail, or by police boats, or by the vessels of passenger steamship lines operated on regular schedules.

(b) *San Joaquin River Deep Water Channel between Suisun Bay and the easterly end of the channel at Stockton; use, administration and navigation*—(1) *Maximum speed.* The maximum speed for all ocean-going craft shall not exceed 10 miles per hour above the lower end of New York Slough, seven miles per hour above Criminal Point, or five miles per hour while passing any wharf, dock, or moored craft. As used in this paragraph, the speed of a vessel when navigating with the current shall be its rate of movement in excess of the velocity of the current.

(2) *Passing.* All craft passing other boats, barges, scows, etc., in motion, moored or anchored, shall slow down and take every necessary precaution to avoid damage.

(3) *Right of way.* (i) United States dredges, tugs, launches, derrick boats, and similar plant of contractors executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80 of this Chapter shall have the right of way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractors' plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided. Ocean-going vessels may show at the masthead a black ball not more than 20 inches in diameter as a signal to the dredge, and may also blow five long blasts of the whistle when within reasonable hearing distance of the dredge, such signal to be followed at the proper time by the passing signal described in the local pilot rules. The dredge shall promptly acknowledge both signals in the usual manner.

(ii) Light-draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right of way to such vessels by making use of the shallower portions of the waterway.

(iii) Rafts and tows must promptly give the channel side demanded upon proper signal by a vessel, and must be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin must, if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condi-

tion that beaching is necessary, they shall be temporarily beached on the northwest side of Mandeville Island or in the Old River.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Wrecks.* In no case following accidents of fire or collision will a vessel be allowed to remain either anchored or grounded in the channel, or beached at any place where it endangers other vessels, while settlement is pending with the underwriters.

(6) *Other laws and regulations.* In all other respects, the existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(c) *Sacramento Deep Water Ship Channel between Suisun Bay and easterly end of Turning Basin at West Sacramento; use, administration, and navigation*—(1) *Maximum speed for all ocean going craft*—(i) *Between Tolands Landing (Mile 6.2) and Rio Vista Bridge.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 8 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 10 knots.

(ii) *Between Rio Vista Bridge and Port of Sacramento.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 5 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 7 knots.

(iii) *Speed past docks or moored craft.* Within 550 feet of the centerline of the channel the speed shall be the minimum required to maintain steerageway; wind, tide, current, etc., being taken into consideration.

(iv) *Passing.* All craft passing other boats, barges, scows, etc., underway, moored or anchored, shall take every necessary precaution to avoid damage.

(v) *Speed, high-water precautions.* When passing another vessel (underway, anchored, or tied up); a wharf or other structure; work under construction; plant engaged in river and harbor improvement; levees withstanding flood waters; buildings partially or wholly submerged by high water; or any other structure liable to damage by collision, suction or wave action; vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damage to the vessel or structure being passed. As deemed necessary for public safety during high river stages, floods, or other emergencies, the District Commander may prescribe, by navigation bulletins or other means, the limiting speed in knots or temporarily close the waterway or any reach of it to traffic. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance herewith.

(2) *Right of way.* (i) Dredges, tugs, launches, derrick boats and other similar equipment, executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80, of this Chapter, shall have the right-of-way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractor's plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided.

(ii) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the inland pilot rules for vessels underway and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(iii) When the pipeline from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipeline or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipeline shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (c)(2)(ii) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(iv) When any pipeline or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

(v) Shallow draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right-of-way to such vessels by making use of the shallower portions of the waterway, wherever possible.

(vi) Tows should promptly give the channel side requested by proper signal from a vessel, and should be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(3) *Obstruction of traffic.* (i) Except as provided in paragraph (c)(2) of this section no person shall willfully or carelessly obstruct the free navigation of the waterway, or delay any vessel having the right to use the waterway.

(ii) No vessel shall anchor within the channel except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as possible to such anchorage as will leave the channel clear for the passage of vessels.

(iii) Motorboats, sailboats, rowboats, and other small craft shall not anchor or drift in the regular ship channel except under stress of weather or in case of breakdown. Such craft shall be so operated that they will not interfere with or endanger the movement of commercial or public vessels.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin, must if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the southwest side of Ryer Island from Mile 15.0 to Mile 16.3 or in the Harbor and Turning Basin at West Sacramento.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the Commander, 12th U.S. Coast Guard District and in the case of undocumented vessels, the State Division of Small Craft Harbors also, by the most expeditious means available of all marine accidents, such as fire, collision, sinking or stranding, where there is possible obstruction of the channel or interference with navigation or where damage to Government property is involved, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of the sunken vessel shall take immediate steps to mark the wreck properly.

(6) *Other laws and regulations.* In all other respects, existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.210 Lake Tahoe, Calif.; restricted areas along south shore.

(a) *The areas*—(1) *Baldwin Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 2, Section 26, Township 13 North (Mount Diablo Base Line), Range 17 East

(Mount Diablo Meridian); thence north 300 feet; thence southeasterly about 2,850 feet to the east line of Section 26 at a point 300 feet north of the high waterline; thence northeasterly 1,740 feet to a point 300 feet north of the high waterline; thence southeasterly about 1,810 feet to the projected east line of the former Baldwin property at a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(2) *Camp Richardson, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the southeasterly corner of sec. 25, T. 13 N., R. 17 E., Mount Diablo Base and Meridian; thence north 410 feet along the east line of sec. 25; thence northwesterly 95 feet to the high waterline which is the true point of beginning; thence north 130 feet; thence southeasterly 565 feet; and thence south 130 feet to the high waterline.

(3) *Pope Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west line of the former Pope property, about 750 feet westerly of the west boundary line of Lot 2, Section 6, Township 12 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly 4,200 feet to a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(4) *El Dorado County Beach.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 1, Section 32, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 500 feet; thence northeasterly about 1,350 feet to the projected east line of Lot 1 at a point 500 feet north of the high waterline; and thence south 500 feet to the high waterline.

(b) *The regulations.* No sail or machine-propelled watercraft, except vessels owned or controlled by the U.S. Coast Guard, shall navigate or anchor in the restricted area.

### § 162.215 Lake Tahoe, Nev.; restricted area adjacent to Nevada Beach.

(a) *The restricted area.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with a line projected in a general southerly direction 200 feet from a point lying 310 feet west of section corner common to section 15, 16, 21, and 22, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence 300 feet lakeward at right angles to the high waterline; thence southeasterly approximately 2,170 feet to the projected south boundary line of the Forest Service property at a point 300 feet west of the high waterline; and thence east 300 feet to the high water line.

(b) *The regulations.* No sail or motor propelled watercraft, except vessels owned or controlled by the United States Government and vessels duly authorized by the United States Coast Guard, shall navigate or anchor in the restricted area.

### § 162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.

(a) *Lake Mead and Lake Mohave; restricted areas*—(1) *The areas.* That portion of Lake Mead extending 700 feet upstream of the axis of Hoover Dam and that portion of Lake Mohave (Colorado River) extending 4,500 feet downstream of the axis of Hoover Dam.

(2) *The regulations.* The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government and the States of Arizona and Nevada shall navigate or anchor in the restricted areas: *Provided, however,* The Regional Director, Region 3, U.S. Bureau of Reclamation, Boulder City, Nev., may authorize, by written permit, individuals or groups to navigate or anchor in the restricted areas when it is deemed in the public interest. Copies of said permits shall be furnished the enforcing agencies.

(b) *Lake Mead; speed regulation.* In that portion of Lake Mead extending 300 feet upstream of the restricted area described in paragraph (a) of this section, a maximum speed of 5 miles per hour shall not be exceeded.

(c) *Supervision.* The regulations in this section shall be supervised by the District Commander, Eleventh Coast Guard District.

### § 162.225 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.

(a) *Supervision.* The District Commander, Thirteenth Coast Guard District, has certain administrative supervision over the Columbia and Willamette Rivers, and is charged with the enforcement under his direction of emergency regulations to govern navigation of these streams.

(b) *Speed.* During very high water stages (usually 25 feet or more on the Vancouver, Washington, gage) when lives, floating plant or major shore installations are endangered, the District Commander shall have authority to prescribe such temporary speed regulations as he may deem necessary for the public safety. During critical periods of freshets under 25 feet on the Vancouver, Washington, gage when construction is in progress, rehabilitation, or other unusual emergency makes a major shore installation susceptible to loss or major damage from wave action, the District Commander shall have authority to prescribe for a particular limited reach of the river as appropriate such temporary speed regulations as he may deem necessary to protect the integrity of such structure. All speed regulations prescribed by the District Commander shall be obeyed for the duration of the emergency and shall be terminated at the earliest practicable time that improved stream conditions permit.

### § 162.230 Columbia River, Wash.

(a) *Grand Coulee Dam discharge channel; restricted area*—(1) *The area.* That portion of the Columbia River between Grand Coulee Dam (situated at river mile 596.6) and river mile 593.7.

(2) *The regulations.* (i) No vessel shall enter or navigate within the area without permission from the enforcing agency.

(ii) The regulation in this section shall be enforced by the Chief, Power Field Division, Columbia Basin Project, U.S. Department of the Interior, Coulee Dam, Washington.

### § 162.235 Puget Sound Area, Wash.

(a) *Waterway connecting Port Townsend and Oak Bay; use, administration, and navigation*—(1) *Works to which regulations apply.* The "canal grounds" when used in this paragraph shall mean that area between the south end of the jetties in Oak Bay and the northerly end of the dredge channel approximately 400 yards northwest of Port Townsend Canal Light. The "canal" is the water lying between these limits and the banks containing the same.

(2) *Speed.* The speed limit within the canal grounds shall not exceed five miles per hour.

(3) *Signals.* All boats desiring to use the canal shall give one long and one short whistle. Southbound boats shall sound the signal within 600 yards of Port Townsend Canal Light. Northbound boats shall sound this signal at least 500 feet south from the end of the jetties in Oak bay. If no other boat answers the signal the first boat shall have the right of way through the canal. Any approaching boat that is in the canal shall answer by giving the same signal and the first boat shall not enter the canal until the second boat shall have passed through the canal. In the case of boats going in the same direction the boat which is in the canal shall not answer the signal of the boat desiring to enter.

(4) *Passing.* Steamers shall not under any circumstances attempt to pass each other in the canal, either when going in the same or opposite directions.

(5) *Anchoring.* No steamers or boats shall anchor or tie up within the canal grounds unless they are well over on the tide flats to the west of the dredged channel, and off the right of way belonging to the United States.

(6) *Tows.* No tow shall enter or pass through the canal with a towline more than 200 in length.

(7) *Delaying traffic.* No person shall cause or permit any vessel or boat of which he is in charge, or on which he is employed, to obstruct the canal in any way or delay in passing through it.

(b) *West Waterway, Seattle Harbor; navigation.* (1) The movement of vessels of 250 gross tons or over and all vessels with tows of any kind through the narrow section of West Waterway between the bend at Fisher's Flour Mill dock and the bend at the junction of East Waterway with Duwamish Waterway, and through the draws of the City of Seattle and Northern Pacific Railway Company bridges crossing this narrow section, shall be governed by red and green traffic signal lights mounted on the north and south sides of the west tower of the City Light power crossing at West Spokane Street.

(2) Two green lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is clear. Two red lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is not clear.

(3) A vessel approaching the narrow section and drawbridges from either end of the waterway shall give one long blast of a whistle and shall not enter the narrow section until green lights are displayed.

(4) One vessel may follow another vessel in either direction, but the channel shall not be kept open in the same direction for an unreasonable time if a vessel is waiting at the other end.

(5) Tugs, launches, and small craft shall keep close to one side of the channel when vessels or boats with tows are passing.

(6) All craft shall proceed with caution. The display of a green light is not a guarantee that the channel is clear of traffic, and neither the United States nor the City of Seattle will be responsible for any damage to vessels or other property which may be chargeable to mistakes in the operation of the signal lights or to their failure to operate.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

### § 162.240 Tongass Narrows, Alaska; navigation.

(a) *Definitions.* The term "Tongass Narrows" includes the body of water shown on United States Coast and Geodetic Survey Chart No. 8094 lying between Revillagigedo Channel and Guard Islands in Clarence Strait.

(b) No vessel shall exceed a speed of seven knots between Idaho Rock and Charcoal Point.

(c) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

(d) No vessel shall moor or anchor to any structure of the United States other than mooring piers, wharves, and floats without the consent of the Captain of the Port, Southeast Alaska. The office of the Captain of the Port, Southeast Alaska, is located in Juneau, Alaska.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 77-217, 43 FR 60458, Dec. 28, 1978]

### § 162.245 Kenai River, Kenai, Alaska; use, administration, and navigation.

(a) *The area.* The main channel area of the river, having a width of 150 feet, beginning at a point directly offshore from the centerline of the city dock and extending about 2,200 feet upstream to a point 200 feet upstream from the Inlet Co. dock.

(b) *The regulations.* (1) Vessels may navigate, anchor, or moor within the area until such time as notification is received or observation is made of intended passage to or from the docking areas.

(2) Notice of anticipated passage of towboats and barges shall be indicated 24 hours in advance by display of a red flag by the Inlet Co. from its warehouse.

### § 162.250 Port Alexander, Alaska; speed of vessels.

(a) *Definition.* the term "Port Alexander" includes the body of water so indicated on United States Coast and Geodetic Survey Chart No. 8261 from its head to its entrance from Chatham Strait.

(b) *Speed.* The speed of all vessels of 5 tons or more gross, ships register, shall not exceed 3 miles per hour either in entering, leaving, or navigating within Port Alexander, Alaska.

### § 162.255 Wrangell Narrows, Alaska; use, administration, and navigation.

(a) *Definitions.* (1) The term "wrangell Narrows" includes the entire body of water shown on United States Coast and Geodetic Survey Chart No. 8170 between Wrangell Narrows North Entrance Lighted Bell Buoy 63 and Midway Rock Light.

(2) The term "raft section" refers to a standard raft of logs or piling securely fastened together for long towing in Alaska inland waters in the manner customary with the local logging interests, i.e., with booms, swifters, and tail sticks. It normally contains 30,000 to 70,000 feet board measure of logs or piling and has a width of 45 to 60 feet and a length of 75 to 100 feet.

(b) *Speed restrictions.* No vessel shall exceed a speed of seven (7) knots in the vicinity of Petersburg, between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(c) *Tow channel.* The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less (northbound, read down; southbound, read up):

East of Battery Islets:
  East of Tow Channel Buoy 1 TC.
  East of Tow Channel Buoy 3 TC.
  West of Tow Channel Buoy 4 TC.
East of Colorado Reef:
  East of Wrangell Narrows Channel Light 21.
  West of Wrangell Narrows Channel Lighted Buoy 25.
  East of Tow Channel Buoy 5 TC.
  East of Tow Channel Buoy 7 TC.
West of Petersburg:
  East of Wrangell Narrows Channel Light 54 Fr.
  East of Wrangell Narrows Channel Light 56 Qk FR.
  East of Wrangell Narrows Channel Light 58 Fr., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 F.

(d) *Size of tows.* The maximum tows permitted shall be one pile driver, or three units of other towable equipment or seven raft sections.

(e) *Arrangement of tows.* (1) No towline or aggregate of towlines between towboat and separated pieces shall exceed 150 feet in length.

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 80 feet in width overall.

(3) Tows other than rafts shall be taken alongside the towboat whenever possible.

(f) *Anchorage.* Vessels may anchor in the anchorage basin in the vicinity of Anchor Point. No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

(g) *Disabled craft.* Disabled craft in a condition of absolute necessity are exempt from the regulations in this section.

### § 162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.

(a) Steamers passing dredge engaged in improving the channel shall not have a speed greater than 4 miles an hour, and the propelling machinery shall be stopped when crossing the lines to the dredge anchors.

(b) Vessels using the channel shall pass the dredge on the side designated from the dredge by the signals prescribed in paragraph (c) of this section.

(c) Dredge shall display the red flag by day and four white lights hung in a vertical line by night to indicate the passing side.

(d) Vessels shall not anchor on the ranges of stakes or other marks placed for the guidance of the dredge, nor in such a manner as to obstruct the channel for passing vessels.

(e) Vessels shall not run over or disturb stake, lanterns, or other marks placed for the guidance of the dredge.

(f) Dredges working in the prosecution of the work shall not obstruct the channel unnecessarily.

(g) The dredge will slack lines running across the channel from the dredge on the passing side, for passing vessels, when notified by signal, with whistle or horn.

(h) The position of anchors of the dredge shall be marked by buoys plainly visible to passing vessels.

### § 162.265 San Juan Harbor, Puerto Rico; seaplane restricted area.

(a) *The area.* (1) Beginning at a point on the north edge of the Graving Dock Channel, bearing 207° from Isla Grande Light; thence to latitude 18°27′08″, longitude 66°06′38.5″; thence to latitude 18°27′08′, longitude 66°08′02.5″; thence to latitude 18°26′49.6″, longitude 66°07′54″; thence 90° to the eastern edge of the Army Terminal Channel; thence southerly along the eastern edge of the Army Terminal Channel to latitude 18°26′09.2″; thence to latitude 18°26′38″, longitude 66°05′30″; thence to latitude 18°27′06.9″, longitude 66°05′57″; thence to latitude 18°27′07.1″, longitude 66°06′05.7″; thence to 227° to a point on the north edge of the Graving Dock Channel; thence northwesterly along the north edge of the Graving Dock Channel to the point of beginning. The following described portions of the area are exempted:

(i) That part of the Graving Dock Channel within the area.

(ii) That part of the Army Terminal Channel within the area.

(iii) That part of the seaplane landing area east of the Army Terminal Channel and south of the Graving Dock Channel.

(2) The area will be used by seaplanes for take-offs, landings, taxiing, and mooring.

(3) For protracted or regularly scheduled night seaplane operations the actual take-off and landing lane will be marked by special seadrome buoys which will show fixed lights either yellow or green. Buoys for marking the take-off and landing lane will be of the type seadrome buoy regularly used by the Navy, a small black and yellow striped rubber buoy equipped to show either yellow or green lights for night operations. No buoys will be used in the area which are not approved by the enforcing agencies, or which may be confused with the regular aids to navigation system of the harbor.

(b) *The regulations.* (1) No vessel shall lie to or anchor in or otherwise obstruct the area.

(2) All vessels, passing through the area shall be alert for the approach of aircraft. Aircraft engaged in taking off or landing shall have the right of way over all vessels in the area. All vessels in the area shall proceed immediately to leave the area when warned by aircraft employing the "buzzing" method which consists of low flight by an airplane and repeated varying of the propeller speed, or when warned by a guard boat in the area.

(3) The regulations in this section shall be enforced by the Commander, Greater Antilles Section, U.S. Coast Guard.

### § 162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following National Defense Reserve Fleets of the Maritime Administration, Department of Commerce:

(1) [Reserved]

(2) James River Reserve Fleet, Fort Eustis, Virginia.

(3) [Reserved]

(4) Mobile Reserve Fleet, Tensaw River near Bay Minette, Alabama.

(5) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(6) Suisun Bay Reserve Fleet near Benicia, California.

(7) [Reserved]

(8) Olympia Reserve Fleet, Budd Inlet at Olympia, Washington.

(b) No vessels or other watercraft, except those owned or controlled by the United States Government, shall cruise or anchor between Reserve Fleet units within 500 feet of the end vessels in each Reserve Fleet unit, or within 500 feet of the extreme units of the fleets, unless specific permission of do so has first been granted in each case by the enforcing agency.

(c) The regulations in this section shall be enforced by the respective

Fleet Superintendents and such agencies as they may designate.

## PART 164—NAVIGATION SAFETY REGULATIONS

Sec.

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AUTHORITY: Sec. 2, Port and Tanker Safety Act of 1978 (Pub. L. 95-474); 49 CFR 1.46(n)(4), unless otherwise noted.

SOURCE: CGD 74-77, 42 FR 5956, Jan. 31, 1977, unless otherwise noted.

### § 164.01 Applicability.

(a) This part (except § 164.39) applies to each self-propelled vessel of 1600 or more gross tons (except foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States (except the Panama Canal or St. Lawrence Seaway).

[CGD 77 063, 44 FR 66530, Nov. 19, 1979]

### § 164.02 Applicability exception for foreign vessels.

(a) This part (including § 164.39) does not apply to foreign vessels that—

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in—

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77-063, 44 FR 66530, Nov. 19, 1979]

### § 164.11 Navigation underway: General.

The owner, master, or person in charge of each vessel underway shall ensure that:

(a) The wheelhouse is constantly manned by persons who—

(1) Direct and control the movement of the vessel; and

(2) Fix the vessel's position;

(b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;

(d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;

(e) Buoys alone are not used to fix the vessel's position;

NOTE: Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong or varying currents, heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position: however, if no other aids are available, buoys alone may be used to establish an estimated position.

(f) The danger of each closing visual or each closing radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;

(g) Rudder orders are executed as given;

(h) Engine speed and direction orders are executed as given;

(i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times;[1]

(k) If a pilot other than a member of the vessel's crew is employed, the pilot is informed of the draft, maneuvering characteristics, and peculiarities of the vessel and of any abnormal circumstances on the vessel that may affect its safe navigation.

(l) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(m) Predicted set and drift are known by the person directing movement of the vessel;

(n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(o) The vessel's anchors are ready for letting go;

(p) The person directing the movement of the vessel sets the vessel's speed with consideration for—

(1) The prevailing visibility and weather conditions;

(2) The proximity of the vessel to fixed shore and marine structures;

(3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(4) The comparative proportions of the vessel and the channel;

(5) The density of marine traffic;

(6) The damage that might be caused by the vessel's wake;

(7) The strength and direction of the current; and

(8) Any local vessel speed limit;

(q) The tests required by § 164.25 are made and recorded in the vessel's log; and

(r) The equipment required by this part is maintained in operable condition.

### § 164.15 Navigation underway: Confined or congested waters.

In the confined or congested waters described in § 164.16, the master or person in charge of each vessel underway shall ensure that—

(a) Propulsion machinery can respond immediately through its full operating range;

(b) The engine room, including the main engine control station even if it is not in the engine room, is manned to operate the propulsion machinery as required by paragraph (a) of this section;

(c) Persons are available to rapidly anchor the vessel in an emergency; and

(d) The automatic pilot device is not in use.

### § 164.16 List of confined or congested waters. [Reserved]

### § 164.19 Requirements for vessels at anchor.

The master or person in charge of each vessel that is anchored shall ensure that—

(a) A proper anchor watch is maintained;

(b) Procedures are followed to detect a dragging anchor; and

(c) Whenever weather, tide, or current conditions are likely to cause the vessel's anchor to drag, action is taken to ensure the safety of the vessel, structures, and other vessels, such as being ready to veer chain, let go a second anchor, or get underway using the vessel's own propulsion or tug assistance.

### § 164.25 Tests before entering or getting underway.

(a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(1) Primary and secondary steering gear.

(2) All internal vessel control communications and vessel control alarms.

(3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(4) Storage batteries for emergency lighting and power systems in vessel

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[1] See also 46 U.S.C. 672, which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters or during low visibility.

control and propulsion machinery spaces.

(5) Main propulsion machinery, ahead and astern.

(b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

[CGD 77-183, 45 FR 18925, Mar. 24, 1980]

### § 164.30 Charts, publications, and equipment: General.

No person may operate or cause the operation of a vessel unless the vessel has the charts, publications, and equipment as required by §§ 164.33 through 164.41 of this part.

(Sec. 2, Pub. L. 95-474 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 74-77, 42 FR 5956, Jan. 31, 1977, as amended by CGD 77-168, 45 FR 2027, Jan. 10, 1980]

### § 164.33 Charts and publications.

(a) Each vessel must have the following:

(1) Except as provided by paragraph (b) of this section, charts of the area to be transited published by the National Ocean Survey, U.S. Army Corps of Engineers, or a river authority that—

(i) Are of a large enough scale and have enough detail to enable safe navigation of the area; and

(ii) Are the most recently published and available for the area and currently corrected.

(2) Except as provided by paragraph (b) of this section, the most recent, available, and currently corrected copy of, or applicable extract from, each of the following publications, if it includes the area to be transited:

(i) U.S. Coast Pilot.

(ii) Coast Guard Light List.

(iii) Notices to Mariners published by Defense Mapping Agency Hydrographic Center and local Coast Guard Notice to Mariners.

(iv) Tide Tables published by the National Ocean Survey.

(v) Tidal Current Tables published by the National Ocean Survey, or river current publication issued by the U.S. Army, Corps of Engineers, or a river authority.

(b) A vessel may have a chart or publication published by a foreign government instead of a chart or publication required by this section if the chart or publication contains similar information to the U.S. Government publication or chart. A vessel bound from a foreign port to a port in the United States may have the latest charts and publications that were available at previous ports of call.

### § 164.35 Equipment: All vessels.

Each vessel must have the following:

(a) A marine radar system for surface navigation.

(b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(d) A gyrocompass.

(e) An illuminated repeater for the gyrocompass required by paragraph (d) of this section that is at the main steering stand, unless that gyrocompass is illuminated and is at the main steering stand.

(f) An illuminated rudder angle indicator in the wheelhouse.

(g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1) For full and half speed, a turning circle diagram to port and starboard that shows the time and the distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings.

(2) The time and distance to stop the vessel from full and half speed while maintaining approximately the initial

heading with minimum application of rudder.

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(6) The maneuvering information for the normal load and normal ballast condition for—

(i) Calm weather—wind 10 knots or less, calm sea;

(ii) No current;

(iii) Deep water conditions—water depth twice the vessel's draft or greater; and

(iv) Clean hull.

(7) At the bottom of the fact sheet, the following statement:

WARNING

The response of the (name of the vessel) may be different from that listed above if any of the following conditions, upon which the maneuvering information is based, are varied:

(1) Calm weather—wind 10 knots or less, calm sea;

(2) No current;

(3) Water depth twice the vessel's draft or greater;

(4) Clean hull; and

(5) Intermediate drafts or unusual trim.

(h) An echo depth sounding device.

(i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

(j) Equipment on the bridge for plotting relative motion.

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

[CGD 74-77, 42 FR 5956, Jan. 31, 1977, as amended by CGD 77-183, 45 FR 18925, Mar. 24, 1980]

### § 164.37 Equipment: Vessels of 10,000 gross tons or more.

(a) Each vessel of 10,000 gross tons or more must have, in addition to the radar system under § 164.35(a), a second marine radar system that operates independently of the first.

NOTE: Independent operation means two completely separate systems, from separate branch power supply circuits or distribution panels to antennas, so that failure of any component of one system will not render the other system inoperative.

(b) On each tanker of 10,000 gross tons or more that is subject to Section 5 of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391(a), the dual radar system required by this part must have a short range capability and a long range capability and each radar must have true north features consisting of a display that is stabilized in azimuth.

(Titles I and II, 86 Stat. 426, 427 (33 U.S.C. 1224; 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-016, 43 FR 32112, July 24, 1978, as amended by CGD 79-033, 44 FR 26741, May 7, 1979]

### § 164.39 Steering gear: Tank vessels.

(a) This section applies to each tank vessel of 10,000 gross tons or more, except a public vessel, that—

(1) Is documented under the laws of the United States (U.S. vessel); or

(2) Is a foreign vessels that—

(i) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States, except vessels described in § 164.02.

(b) *Definitions.* (1) "Tank vessel" means a vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in cargo spaces.

(2) "New tank vessel" means a tank vessel—

(i) For which the building contract is placed after June 1, 1979; or

(ii) In the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after January 1, 1980; or

(iii) The delivery of which is after June 1, 1982; or

(iv) Which has undergone a major conversion, which is contracted for after June 1, 1979, or construction work of which is begun after January 1, 1980, or completed after June 1, 1982.

(3) "Major conversion" means, for the purpose of this paragraph, a conversion of an existing tank vessel which substantially alters the dimensions or carrying capacity of the vessel, or changes the type of vessel, or substantially prolongs its life, or which otherwise so alters the vessel that it is essentially a new tank vessel. A major conversion does not include, however, any alteration or modification made to meet the requirements of this section.

(4) "Public vessel", "oil", "hazardous materials", "foreign vessel", and "existing", as used in this section, have the same meanings provided for these terms in Section 5 of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391(a)).

(5) "Main steering gear" means the steering gear power units (if any) and their ancillary equipment, and the machinery that can apply enough torque to the rudder stock, tiller, or quadrant to effect movement of the rudder and steer the vessel under normal operating conditions.

(6) "Steering gear power unit" means—

(i) In the case of electric steering gear, an electric motor and its associated electrical equipment such as the motor controller and disconnect switch;

(ii) In the case of electro-hydraulic steering gear, an electric motor and its associated electrical equipment and connected pump; and

(iii) In the case of other hydraulic steering gear, a driving engine and connected pump.

(7) "Remote steering gear control system" means a system by which orders for rudder movements are transmitted from the navigating bridge to the steering gear power unit controls.

(8) "Maximum service speed" means the greatest speed that a vessel is designed to maintain at its deepest seagoing draft.

(c) Each tank vessel must have two remote steering gear control systems, except that separate steering wheels or steering levers are not required.

(d) Each remote steering gear control system required by paragraph (c) of this section must—

(1) Be arranged so that if the system in operation fails, the other system can be brought into immediate operation from a position on the navigating bridge;

(2) If electric, be supplied with power by a circuit that is—

(i) Used for no other purpose; and

(ii) Is connected in the steering gear compartment to the circuit that supplies power to the steering gear power unit controlled by the steering gear control system; and

(3) Have an audible and visual alarm that activates on the navigating bridge upon loss of power to the system.

(e) The visual alarm required by paragraph (d) of this section must be placed in a location on the navigating bridge where it can be readily seen.

(f) Each tank vessel must have—

(1) A means in the steering gear compartment for controlling the main steering gear;

(2) A means in the steering gear compartment to disconnect each remote steering gear control system from its power supply;

(3) A means to communicate between the navigating bridge and the steering gear compartment;

(4) A rudder angle indicator system that is—

(i) Located on the navigating bridge, and

(ii) Independent of each remote steering gear control system; and

(5) A means for indicating in the steering gear compartment the angular position of the rudder.

(g) Each new foreign tank vessel must have a main steering gear that—

(1) Has two or more identical steering gear power units;

(2) To the extent practicable, is arranged so that a failure in its piping or a steering gear power unit will not impair operation of the remaining part of the steering gear; and

(3) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with one or more power units—

(i) Put the rudder over from 35 degrees on one side of the vessel to 35 degrees on the other side; and

(ii) Put the rudder over from 35 degrees on either side of the vessel to 30 degrees on the other side is not more 28 seconds.

(h) Each new U.S. tank vessel must have a main steering gear that—

(1) Meets the requirements for a main steering gear in paragraphs (g)(1) and (g)(2) of this section; and

(2) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with only one power unit, move the rudder in the manner described in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) Mechanical couplings, including mechanical connections with a remote steering gear control system, on a new tank vessel must be of sound construction and designed for reliable performance.

(j) Each steering gear power unit on a new tank vessel must—

(1) Be designed so that—

(i) When operating at the time of power failure, it will start automatically after power is restored unless it is manually shut off during the power failure; and

(ii) It can be brought into operation from a position on the navigating bridge;

(2) Have an alarm that activates on the navigating bridge upon loss of power to the power unit.

(k) The power supply of at least one steering gear power unit on a new tank vessel, and one remote steering gear control system, must be the vessel's main source of electrical power.

(l) Each new tank vessel must have an alternative power supply that can automatically supply power to a steering gear power unit, its associated remote steering gear control system, and the rudder angle indicator system within 45 seconds after loss of the vessel's main source of electrical power.

(m) The alternative power supply required by paragraph (l) of this section must be—

(1) The emergency source of electrical power on the vessel; or

(2) An independent source of power that—

(i) Is located in the steering gear compartment;

(ii) Is not used for any purpose other than as an alternative power supply; and

(iii) Has sufficient capacity for at least one half hour of continuous operation.

(n) A steering gear power unit on a new tank vessel, when supplied by the alternative power supply, must be capable of putting the rudder over from 15 degrees on one side of the vessel to 15 degrees on the other side within 60 seconds when the vessel is operating in its deepest seagoing draft at ½ maximum service speed or 7 knots, whichever is greater.

(o) Each tank vessel must have operating instructions and a block diagram that clearly and simply explain the change-over procedures for the remote steering gear control systems and steering gear power units on the vessel. The instructions and block diagram must be permanently displayed both on the navigating bridge and in the steering gear compartment on the vessel.

(p) No tank vessel may enter or be operated in confined or congested waters described in § 164.16 unless—

(1) When under way in those waters, at least two of the steering gear power units on the vessel are in operation if simultaneous operation of the units is practicable; and

(2) Within one hour before entering those waters the steering wheel or lever on the navigating bridge is operated to determine whether the steering equipment is operating properly under manual control.

(q) The master of a U.S. tank vessel shall conduct an emergency steering drill at least once every 3 months and have the results of the drill logged in the vessel's log book. The drill must include at a minimum the following:

(1) Operation of the main steering gear from within the steering gear compartment.

(2) Operation of the means of communications required by paragraph (f)(3) of this section.

(3) Operation of the alternative power supply if the vessel is so equipped.

(r) No tank vessel may enter or be operated in U.S. navigable waters unless the emergency steering drill described in paragraph (q) of this section has been—

(1) Conducted within three months prior to entry; and

(2) Logged in the vessel's log book.

(s) Compliance with the requirements in paragraphs (c) through (f) of this section is not required until June 1, 1981.

(t) This section is issued under the authority of section 5 of The Port and Tanker Safety Act of 1978 (Sec. 5, Pub. L. 95-474) (46 U.S.C. 391(a)).

(Sec. 5, Pub. L. 95-474 (46 U.S.C. 391(a); 49 CFR 1.46)

[CGD 77-063, 44 FR 66530, Nov. 19, 1979]

### § 164.41 Electronic position fixing devices.

(a) This section applies to vessels calling at ports in the continental U.S. including Alaska south of Cape Prince of Wales, except those vessels owned or bareboat chartered and operated by the United States, by a state or its political subdivision, or by a foreign nation, and not engaged in commerce.

(b) Each vessel must have one of the following devices installed:

(1) A Loran-C receiver meeting paragraph (c) of this section.

(2) A continual update, satellite-based hybrid navigation receiver meeting paragraph (d) of this section.

(3) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Department of Transportation (DOT) National Plan for Navigation" (Report No. DOT-TST-78-4, dated November 1977). A person desiring a finding by the Commandant under this subparagraph must submit a written request describing the device to: Commandant (G-WLE/73), U.S. Coast Guard, Washington, D.C. 20950. After reviewing the request, the Commandant may require additional information to establish whether or not the device meets the intent of the "DOT National Plan for Navigation."

NOTE: The "DOT National Plan for Navigation" is available from the National Technical Information Service, Springfield, VA 22161. Government Accession No. AD-A-052269.

(c) Each Loran-C receiver installed after May 31, 1979 must meet the following:

(1) Be a Type I or II receiver as defined in Section 1.2(e), meeting Part 2 (Minimum Performance Standards) of the Radio Technical Commission for Marine Services (RTCM) Paper 12-78/DO-100, and entitled "Minimum Performance Standards (MPS) Marine Loran-C Receiving Equipment". The standards referred to in this paragraph are intended to be incorporated by reference as they exist on December 20, 1977 and notice of any change in these standards will be published in the FEDERAL REGISTER. This incorporation by reference was approved by the Director of the Federal Register on May 25, 1979 and is available for inspection at the Office of the Federal Register Library, Room 8401, 1100 L St. NW., Washington, D.C. 20408. The RTMC paper is available from the Radio Technical Commission for Marine Services, P.O. Box 19087, Washington, D.C. 20036 (202) 296-6610.

(2) After June 1, 1982, except as allowed by paragraph (c)(3) of this section, have a permanently affixed label containing—

(i) The name and address of the manufacturer; and

(ii) The following statement:

> This receiver was designed and manufactured to comply with Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

(3) Each Loran-C receiver installed before June 1, 1982, that meets paragraph (c)(1) of this section must meet paragraph (c)(2) of this section on June 1, 1985.

(d) Each hybrid satellite system must have—

(1) Automatic acquisition of satellite signals after initial operator settings have been entered;

(2) Position updates derived from satellite information obtained during each usable satellite pass; and

(3) A continual tracking integrated complementary system that provides automatically, in between satellite

passes, position updates at intervals of one minute or less.

(e) Each satellite navigation receiver installed before June 1, 1982, that meets paragraphs (d) (1) and (2), of this section must meet paragraph (d)(3) of this section on June 1, 1985.

(Sec. 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 77-168, 45 FR 2027, Jan. 10, 1980]

EFFECTIVE DATE NOTE: Section 164.41 was added at 45 FR 2027, Jan. 10, 1980. This regulation is effective on:

1. June 1, 1979, for tank vessels of 10,000 gross tons or more under Section 7(J) of Section 5 of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474, 92 Stat. 1480);

2. June 1, 1980, for other vessels of 10,000 gross tons or more; and

3. June 1, 1982, for vessels of 1600 but less than 10,000 gross tons.

### § 164.51 Deviations from rules: Emergency.

Except for the requirements of § 164.53(b), in an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

### § 164.53 Deviations from rules and reporting: Non-operating equipment.

(a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may complete the voyage subject to the requirements in Part 160 of this chapter.

(b) If the vessel's radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

(Sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 74-77, 42 FR 5956, Jan. 31, 1977, as amended by CGD 75-238, 44 FR 63676, Nov. 5, 1979; CGD 77-168, 45 FR 2028, Jan. 10, 1980]

EFFECTIVE DATE NOTE: At 45 FR 2028, Jan. 10, 1980, paragraph (b) of § 164.53 was amended by adding the words "radio navigation receivers," between the words "radar," and "gyrocompass". For the effective date of this amendment see the EFFECTIVE DATE NOTE to § 164.41.

### § 164.55 Deviations from rules: Continuing operation or period of time.

The Captain of the Port, upon written application, may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel under anticipated conditions and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for vessels operating in the waters under the jurisdiction of the Captain of the Port for any continuing operation or period of time the Captain of the Port specifies.

### § 164.61 Marine casualty reporting and record retention.

When a vessel is involved in a marine casualty as defined in 46 CFR 4.03-1, the master or person in charge of the vessel shall—

(a) Ensure compliance with 46 CFR Subpart 4.05, "Notice of Marine Casualty and Voyage Records;" and

(b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for—

(1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

## PART 165—SAFETY ZONES

### Subpart A—General

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165.510 Cove Point, Chesapeake Bay, Md.
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Sec.

165.1303 Columbia River, Mile 67 through Mile 70, Longview, Wash.

165.1701 Port Valdez, Valdez, Alaska.

AUTHORITY: 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n)(4), unless otherwise noted.

SOURCE: CGD 75-205, 42 FR 63368, Dec. 15, 1977, unless otherwise noted.

## Subpart A—General

### § 165.01 Purpose.

The purpose of this part is to set forth the procedures for the establishment of safety zones for protection of vessels, structures, and water and shore areas, to set forth regulations applicable to the zones, and to publish specific safety zones when they have continuing application.

### § 165.05 Definitions.

For the purpose of this part: "Safety zone" means a designated water area, shore and water area, or shore area to which, for safety or environmental purposes, access is limited to persons, vehicles, vessels, or objects authorized by the Captain of the Port. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

"Vehicle" means every type of conveyance capable of being used as a means of transportation on land.

### § 165.10 Delegation.

The Commandant delegates to the Captain of the Port and the District Commander authority to establish safety zones. The establishment of a safety zone may be based on a request under the procedures in § 165.15 or may be undertaken on the initiative of the Captain of the Port or the District Commander.

### § 165.15 Application procedures.

(a) Any person may request that the Captain of the Port or the District Commander establish a safety zone. Except as provided in paragraph (b) of this section, the request must be in writing. Each request must include the following:

(1) The name of the person submitting the request.

(2) The location and boundaries of the safety zone.

(3) The date, time, and duration of the safety zone.

(4) Description of activities within the safety zone.

(5) The reason for the request.

(b) If for good cause the request for the safety zone is made less than 5 working days before the zone is requested to be established, the request may be made orally, but it must be followed by a written request within 24 hours after the oral request.

NOTE: The procedures used by the Captain of the Port to notify persons of the establishment of a safety zone vary depending on circumstances and emergency conditions.

Notification of the establishment of a safety zone may be by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, on-scene oral notice or publication in the FEDERAL REGISTER. Notification normally contains the physical boundaries of the zone, the reasons for the safety zone, estimated duration of the zone, and the method of obtaining authorization to the enter the safety zone.

Notification of the termination of a safety zone is usually made in the same form as the notification of the establishment of a zone.

### § 165.20 General regulations.

Unless otherwise provided in this part, (a) No person may enter a safety zone unless authorized by the Captain of the Port or the Distict Commander.

(b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the Captain of the Port or the District Commander;

(c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the Captain of the Port or the District Commander; and

(d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the Captain of the Port, District Commander, or his authorized representative issued to carry out the purposes of this part.

### § 165.25 Appeals.

(a) Any person directly affected by the establishment of a safety zone or an order or direction issued under this part may request reconsideration of the establishment, order, or direction by the official who established the safety zone or issued the order or direction and may appeal through the Captain of the Port to the District Commander and then to the Commandant, whose decision shall be final.

(b) Requests for reconsideration and appeals may be written or oral, but if oral must be followed by no less than a written outline of the key points made. The Coast Guard official to whom the request or appeal is made will provide a written decision if requested.

(c) While any request or appeal is pending, the safety zone, order, or direction remains in effect.

## Subpart B—List of Safety Zones

**§ 165.510 Cove Point, Chesapeake Bay, Md.**

(a) The waters and waterfront facilities located within the following boundary constitute a safety zone effective when an LNG carrier is maneuvering in the vicinity of the Cove Point terminal and when a moored LNG carrier indicates its intention to get underway: A line beginning at a point one-half mile NW of the end of the north pier of the Columbia LNG facility at Cove Point, Maryland, located at 38°24′43″ N latitude, 76°23′32″ W longitude; thence 056°T to a point 2800 yards offshore at 38°24′59″ N latitude, 76°23′01″ W longitude; thence 146°T to a point located 2300 yards offshore at 38°23′52″ N latitude, 76°22′03″ W longitude; thence 236°T to a point one-half mile SE of the end of the south pier of the Columbia LNG facility at Cove Point, Maryland, located 38°23′39″ N latitude, 76°22′35″ W longitude; thence northwesterly to the point of origin and the area within 50 yards on the shore side of the Columbia LNG Corporation offshore terminal.

(b) The waters and waterfront facilities located within the following boundary constitute a safety zone when a LNG carrier is moored at the Columbia LNG offshore terminal; an area extending 50 yards shoreward of the offshore terminal and 200 yards offshore of all parts of the offshore terminal and the LNG carrier.

(c) The waters and waterfront facilities located within the following boundary constitute a safety zone when no LNG carrier is moored at the receiving terminal: The area within 50 yards of the Columbia LNG offshore terminal, at Cove Point, Maryland.

(d) The general regulations governing safety zones as contained in 33 CFR 165.20 apply.

(Sec. 6, Pub. L. 95-474, 92 Stat. 1475 (33 U.S.C. 1225))

([CGD 5-78-06R, 44 FR 53745, Sept 17, 1979]

**§ 165.711 Cooper River, Charleston Harbor, S.C.**

The waters of the Cooper River, within Navy Yard Reach, from Five Hundred Yards North of Pier CHARLIE, U.S. Naval Shipyard, to Five Hundred Yards South of Pier CHARLIE, U.S. Naval Shipyard is a Safety Zone. Vessels entering this zone shall be operated at "NO WAKE" speeds. "NO WAKE" signs are posted at each end of the Safety Zone. This Safety Zone shall be in effect during daylight hours only.

(92 Stat. 1475, (33 U.S.C. 1225), 49 CFR 1.46(n)(4))

[CGD 7-79-12, 44 FR 61958, Oct. 19, 1979]

EFFECTIVE DATE NOTE: Section 165.711 remains in effect until the completion of construction or June 1, 1981, whichever is earlier.

**§ 165.1101 San Diego Bay, Calif.**

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone: A line beginning at latitude 32°43′37.2″N., longitude 117°10′45.0″W.; thence to latitude 32°43′36.2″N., longitude 117°10′41.5″W., thence to latitude 32°43′27.8″N., longitude 117°10′45.8″W.; thence to latitude 32°43′30.0″N., longitude 117°10′53.0″W.; thence to latitude 32°43′33.0″N., longitude 117°10′51.5″W.; thence along the boundary of Coast Guard Air Station, San Diego, to the point of beginning.

NOTE: The northeast, southeast, and southwest corners of the safety zone are marked by white buoys with horizontal orange bands.

(38 Stat. 1053, 33 U.S.C. 471; 92 Stat. 1471, 33 U.S.C. 1225; 49 CFR 1.46(c)(1) and (n)(4); 33 CFR 105-1(g) and 165.100)

[CGD 11-80-03, 45 FR 43166, June 26, 1980]

EFFECTIVE DATE NOTE: Section 165.1101 becomes effective July 28, 1980.

### § 165.1303 Columbia River, Mile 67 through Mile 70, Longview, Wash.

(a) The following area is a safety zone—the Columbia River Mile 67 through Mile 70, including the original channel and the waters on either side of the channel to shoreline. This zone is effective 24 hours per day beginning at 2400 PDT on 22 May and will continue in effect until cancelled.

(b) The following Special Regulations apply to DEEP DRAFT VESSELS (i.e. those vessels which must remain in the navigable channel because of their draft) entering the safety zone—

(1) TRANSIT through the above safety zone is limited to those hours and maximum drafts which are established by the Captain of the Port, Portland, Oregon. The times established for transit will be modified as necessary and will be based upon the optimium river conditions, including tide, flow rate, and gauge, the needs of domestic and foreign commerce, weather including visibility, the progress of dredging operations, and the degree of interference that transit has on the dredging operations.

(2) Upbound and downbound vessels will not be allowed to transit through the zone at the same time.

(3) Individuals desiring to transit deep draft vessels through the zone shall obtain information concerning the periods during which the zone will be open on a particular day, the maximum draft permitted and the allocation of this time between upbound and downbound vessels by calling the Captain of the Port, Portland, Oregon at (503) 221-6342.

(4) Individuals desiring to transit deep draft vessels through the zone shall give the Captain of the Port, Portland, Oregon, 24 hour advance notice (including the name of vessel, the anticipated draft and the date of desired transit of the zone).

(5) Vessels approaching the zone shall communicate directly with the dredging vessels on scene via channel 13 as far in advance as possible in order that arrangements may be made for a safe passage.

(c) The following special regulations apply to SHALLOW DRAFT VESSELS (i.e. those vessels which because of their draft need not remain in the navigable channel in order to make a safe transit through this zone) entering the zone—

(1) Transit through the safety zone is not limited to particular hours, however, transit shall be made utilizing that area of the Columbia River which is to the *South* (i.e. Oregon side) of the original 40 foot channel except as provided in paragraphs (c) (2) and (3) of this section.

(2) Shallow draft vessels which desire to use the original channel shall comply with all regulations that apply to deep draft vessels and in addition shall take on a state or federally licensed pilot.

(3) Vessels entering or departing the zone from the Cowlitz River or Carrolls Channel shall remain to the north (i.e. Washington side) of the original 40 foot channel and shall not proceed east of the western tip of Cottonwood Island while north of the original channel.

(4) Vessels approaching the zone shall communicate directly with the dredging vessels on scene via channel 13 as far in advance as possible in order that arrangements may be made for a safe passage through the safety zone.

(5) Individuals desiring to transit the safety zone with shallow draft vessels shall contact the Captain of the Port, Portland, Oregon at (503) 221-6342 in order that they are aware of the operating conditions and times of allowable transit for deep draft vessels. Shallow draft vessels are encouraged but not required to avoid transit in the safety zone during the period of use by deep draft vessels.

(d) The following Special Regulations apply to ALL VESSELS entering the safety zone regardless of their draft—

(1) Vessels which because their steering or propulsion systems are not designed to operate safely *under* a minimum draft may be required to have a tug escort while in the safety zone.

(2) No vessel may anchor within the safety zone unless, in the opinion of the Master or Pilot, further transit is considered unsafe. In that event the Captain of the Port, Portland, Oregon shall be notified immediately.

(3) Recreational vessels may not use the zone except to transit and in no case shall they enter or cross the dredged channel within the zone.

(92 Stat. 1475 (33 U.S.C. 1225); 49 CFR 1.46(n)(4))

[CCGD 13-80-04, 45 FR 37187, June 2, 1980]

**§ 165.1701 Port Valdez, Valdez, Alaska.**

The waters within the following boundaries are a safety zone: the area within 200 yards of any waterfront facility at the Alyeska Marine Terminal complex or vessels moored or anchored at the Alyeska Marine Terminal complex and the area within 200 yards of any tank vessel maneuvering to approach, moor, unmoor or depart the Alyeska Marine Terminal complex.

(33 U.S.C. 1225; 49 CFR 1.46(n)(4))

[CGD 17-78-1R2, 45 FR 6933, Jan. 31, 1980]

# SUBCHAPTERS Q—R—[Reserved]

# SUBCHAPTER S—BOATING SAFETY

## PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

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APPENDIX A—ISSUING AUTHORITIES AND REPORTING AUTHORITIES.

AUTHORITY: Sections 18 and 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(o)(1), unless otherwise noted.

SOURCE: CGD 72-54R, 37 FR 21399, Oct. 7, 1972, unless otherwise noted.

### Subpart A—General

**§ 173.1 Purpose.**

This part prescribes requirements for numbering vessels and for reporting casualties and accidents to implement sections 17, 18, and 37 of the Federal Boat Safety Act of 1971.

**§ 173.3 Definitions.**

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 as amended (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Issuing authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a number system has not been approved. Issuing authorities are listed in Appendix A of this part.

(c) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(d) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(e) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

(f) "Reporting authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of this part.

(g) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(h) "State of principal use" means the State on whose waters a vessel is used or to be used most during a calendar year.

(i) "Use" means operate, navigate, or employ.

(Sec. 20, Pub. L. 92-75, 85 Stat. 221 as amended Pub. L. 94-531, 90 Stat. 2490 (46 U.S.C. 1469); 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 77-117A, 43 FR 17941, Apr. 27, 1978]

## Subpart B—Numbering

### § 173.11 Applicability.

This subpart applies to each vessel equipped with propulsion machinery of any type used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States except—

(a) Foreign vessels temporarily using waters subject to U.S. jurisdiction;

(b) Military or public vessels of the United States, except recreational-type public vessels;

(c) A vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ships' lifeboats;

(e) A vessel which has or is required to have a valid marine document as a vessel of the United States.

### § 173.13 Exemptions.

Where the Coast Guard issues numbers, the following classes of vessels are exempt, under section 19(a) of the Act, from the numbering provisions of the Act and this part:

(a) A vessel that is used exclusively for racing.

(b) A vessel equipped with propulsion machinery of less than 10 horsepower that—

(1) Is owned by the owner of a vessel for which a valid certificate of number has been issued;

(2) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed in § 173.27; and

(3) Is used as a tender for direct transportation between that vessel and the shore and for no other purpose.

### § 173.15 Vessel number required.

(a) Except as provided in § 173.17, no person may use a vessel to which this part applies unless—

(1) It has a number issued on a certificate of number by the issuing authority in the State in which the vessel is principally used; and

(2) The number is displayed as described in § 173.27.

(b) This section does not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the State in which the vessel is principally used.

### § 173.17 Reciprocity.

(a) Subsection 18(c) of the Act states:

> When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(b) Subsection 18(d) of the Act states:

> When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least 60 days before requiring numbering in the new State.

### § 173.19 Other numbers prohibited.

No person may use a vessel to which this part applies that has any number that is not issued by an issuing authority for that vessel on its forward half.

### § 173.21 Certificate of number required.

(a) Except as provided in §§ 173.13 and 173.17, no person may use a vessel to which this part applies unless it has on board—

(1) A valid certificate of number or temporary certificate for that vessel issued by the issuing authority in the State in which the vessel is principally used; or

(2) For the vessel described in paragraph (b) of this section, a copy of the lease or rental agreement, signed by the owner or his authorized representative and by the person leasing or renting the vessel, that contains at least—

(i) The vessel number that appears on the certificate of number; and

(ii) The period of time for which the vessel is leased or rented.

(b) Section 20(a) of the Act states in part: The certificate of numbers for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than seven days may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

(Sec. 20, Pub. L. 92-75, 85 Stat. 221 as amended Pub. L. 94-531, 90 Stat. 2490 (46 U.S.C. 1469); 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 77-117A, 43 FR 17941, Apr. 27, 1978]

### § 173.23 Inspection of certificate.

Each person using a vessel to which this part applies shall present the certificate or lease or rental agreement required by § 173.21 to any Federal, State, or local law enforcement officer for inspection at his request.

### § 173.25 Location of certificate of number.

No person may use a vessel to which this part applies unless the certificate or lease or rental agreement required by § 173.21 is carried on board in such a manner that it can be handed to a person authorized under § 173.23 to inspect it.

### § 173.27 Numbers: Display; size; color.

(a) Each number required by § 173.15 must—

(1) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by paragraph (b) or required by paragraph (c) of this section;

(2) Be in plain vertical block characters of not less than 3 inches in height;

(3) Contrast with the color of the background and be distinctly visible and legible;

(4) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF); and

(5) Read from left to right.

(b) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(c) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(d) Each number displayed on a tender exempted under § 173.13 must meet the requirements of paragraph (a) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number. (Example: DC 5678 EF 1 or DC-5678-EF-1.)

### § 173.29 Notification to issuing authority.

A person whose name appears as the owner of a vessel on a certificate of number shall, within 15 days, notify the issuing authority in a manner prescribed by the issuing authority of—

(a) Any change in his address;

(b) The theft or recovery of the vessel;

(c) The loss or destruction of a valid certificate of number;

(d) The transfer of all or part of his interest in the vessel; and

(e) The destruction or abandonment of the vessel.

### § 173.31 Surrender of certificate of number.

A person whose name appears as the owner of a vessel on a certificate of number shall surrender the certificate in a manner prescribed by the issuing authority within 15 days after it becomes invalid under paragraph (b), (c), (d), or (e) of § 173.77.

### § 173.33 Removal of number.

The person whose name appears on a certificate of number as the owner of a vessel shall remove the number and validation sticker from the vessel when—

(a) The vessel is documented by the Coast Guard;

(b) The certificate of number is invalid under paragraph (c) of § 173.77; or

(c) The vessel is no longer principally used in the State where the certificate was issued.

### § 173.35 Coast Guard validation sticker.

No person may use a vessel except a vessel exempted in § 173.13 that has a number issued by the Coast Guard unless it has the validation sticker issued with the certificate of number displayed within 6 inches of the number.

## Subpart C—Casualty and Accident Reporting

### § 173.51 Applicability.

(a) This subpart applies to each vessel used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States that—

(1) Is used by its operator for recreational purposes; or

(2) Is required to be numbered under this part.

(b) This subpart does not apply to a vessel required to have a certificate of inspection under Chapter I of Title 46, Code of Federal Regulations.

### § 173.53 Immediate notification of death or disappearance.

(a) When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator shall, without delay, by the quickest means available, notify the nearest reporting authority listed in Appendix A of this part of—

(1) The date, time, and exact location of the occurrence;

(2) The name of each person who died or disappeared;

(3) The number and name of the vessel; and

(4) The names and addresses of the owner and operator.

(b) When the operator of a vessel cannot give the notice required by paragraph (a) of this section, each person on board the vessel shall notify the casualty reporting authority or determine that the notice has been given.

### § 173.55 Report of casualty or accident.

(a) The operator of a vessel shall submit the casualty or accident report prescribed in § 173.57 to the reporting authority prescribed in § 173.59 when, as a result of an occurrence that involves the vessel or its equipment—

(1) A person dies;

(2) A person is injured and requires medical treatment beyond first aid;

(3) Damage to the vessel and other property totals more than $200 or there is a complete loss of a vessel; or

(4) A person disappears from the vessel under circumstances that indicate death or injury.

(b) A report required by this section must be made—

(1) Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence;

(2) Within 48 hours of the occurrence if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and

(3) Within 10 days of the occurrence or death if an earlier report is not required by this paragraph.

(c) When the operator of a vessel cannot submit the casualty or accident report required by paragraph (a) of this section, the owner shall submit the casualty or accident report.

(46 U.S.C. 1486, 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 76-155, 44 FR 5308, Jan. 25, 1979]

### § 173.57 Casualty or accident report.

Each report required by § 173.55 must be in writing, dated upon completion, and signed by the person who prepared it and must contain, if available, at least the following information about the casualty or accident:

(a) The numbers and names of each vessel involved.

(b) The name and address of each owner of each vessel involved.

(c) The name of the nearest city or town, the county, the State, and the body of water.

(d) The time and date the casualty or accident occurred.

(e) The location on the water.

(f) The visibility, weather, and water conditions.

(g) The estimated air and water temperatures.

(h) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report.

(i) The name and address of each operator of each vessel involved.

(j) The number of persons on board or towed on skiis by each vessel.

(k) The name, address, and date of birth of each person injured or killed.

(l) The cause of each death.

(m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(n) The name and address of each owner of property involved.

(o) The availability and use of personal flotation devices.

(p) The type and amount of each fire extinguisher used.

(q) The nature and extent of each injury.

(r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(s) A description of each equipment failure that caused or contributed to the cause of the casualty.

(t) A description of the vessel casualty or accident.

(u) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, or explosion or other).

(v) The opinion of the person making the report as to the cause of the casualty.

(w) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.

(x) The name, address, and telephone number of each witness.

(y) The manufacturer's hull identification number, if any, of the reporting operator's vessel.

(z) The name, address, and telephone number of the person submitting the report.

### § 173.59 Where to report.

A report required by § 173.55 must be submitted to—

(a) The reporting authority listed in Appendix A of this part where the vessel number was issued, or, if the vessel has no number, where the vessel is principally used; or

(b) The reporting authority where the casualty or accident occurred, if it occurred outside the State where the vessel is numbered or principally used.

## Subpart D—Issue of Certificate of Number

### § 173.71 Application for certificate of number.

Any person who is the owner of a vessel to which § 173.11 applies may apply for a certificate of number for that vessel by submitting to the issuing authority, listed in Appendix A of this part, where the vessel will principally be used—

(a) An application on a form and in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority.

### § 173.73 Duplicate certificate of number.

If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting to the issuing authority that issued the certificate—

(a) An application on a form or in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority, if any.

### § 173.75 Temporary certificate.

A temporary certificate valid for not more than 60 days after it is issued may be issued by an issuing authority pending the issue of a certificate of number. A temporary certificate is not valid after the date that the owner receives the certificate of number from the issuing authority.

### § 173.77 Validity of certificate of number.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, a certificate of number is valid until the date of expiration prescribed by the issuing authority.

(b) A certificate of number issued by an issuing authority is invalid after the date upon which—

(1) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations;

(2) The person whose name appears on the certificate of number as owner of the vessel transfer all of his ownership in the vessel; or

(3) The vessel is destroyed or abandoned.

(c) A certificate of number issued by an issuing authority is invalid if—

(1) The application for the certificate of number contains a false or fraudulent statement; or

(2) The fees for the issuance of the certificate of number are not paid.

(d) A certificate of number is invalid 60 days after the day on which the vessel is no longer principally used in the State where the certificate was issued.

(e) The certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his interest in the numbered vessel by legal process.

### § 173.79 Expiration of Coast Guard certificate of number.

A certificate of number issued by the Coast Guard expires 3 years from the date it is issued.

### § 173.81 Coast Guard forms for numbering and casualty reporting.

(a) In a State where the Coast Guard is the issuing authority, the following Coast Guard forms must be used:

(1) Each application for a certificate of number or renewal must be made on two-part Form CG-3876 and 3876A, Application for Number and Temporary Certificate.

(2) Each notification required by § 173.29(b) must be made on Form CG-2921, Notification of Change in Status of Vessel.

(3) Each notification required by § 173.29(a) must be made on Form CG-3920, Change of Address Notice.

(4) Each notification required by § 173.29(c) must be made in writing.

(5) Each application for a duplicate certificate of number must be made on two-part Form CG-3919 and CG-3919A, Application for Duplicate Certificate of Number and Temporary Duplicate Certificate.

(6) Each vessel casualty required to be reported by § 173.55 must be made on Form CG-3865.

(b) Each surrender of a certificate of number required by § 173.31 may be made in any form but must contain a written statement as to why the certificate is being surrendered.

### § 173.83 Availability of Coast Guard forms.

In a State where the Coast Guard is the issuing authority, forms required by § 173.81 are available at all manned Coast Guard shore units, except light and loran stations and except for Form CG-3865, at all first- and second-class and some third- and fourth-class post offices.

### § 173.85 Coast Guard fees.

(a) In a State where the Coast Guard is the issuing authority the fees for numbering are—

(1) Original number and two validation stickers—$6;

(2) Renewal of number and two validation stickers—$6;

(3) Duplicate certificate of number—$1; and

(4) Replacement of lost or destroyed validation sticker—$0.25 each.

(b) Fees must be paid by check or money order made payable to the "U.S. Coast Guard," except when the application is made in person by the owner, the fee may be paid in cash.

### APPENDIX A—ISSUING AUTHORITIES AND REPORTING AUTHORITIES

(a) The State is the issuing authority and reporting authority in:

STATE

Alabama—AL.
Arizona—AZ.
Arkansas—AR.
California—CF.

STATE

Colorado—CL.
Connecticut—CT.
Delaware—DL.
District of Columbia—DC.
Florida—FL.
Georgia—GA.
Guam—GM.
Hawaii—HA.
Idaho—ID.
Illinois—IL.
Indiana—IN.
Iowa—IA.
Kansas—KA.
Kentucky—KY.
Louisiana—LA.
Maine—ME.
Maryland—MD.
Massachusetts—MS.
Michigan—MC.
Minnesota—MN.
Mississippi—MI.
Missouri—MO.
Montana—MT.
Nebraska—NB.
Nevada—NV.
New Jersey—NJ.
New Mexico—NM.
New York—NY.
North Carolina—NC.
North Dakota—ND.
Ohio—OH.
Oklahoma—OK.
Oregon—OR.
Pennsylvania—PA.
Puerto Rico—PR.
Rhode Island—RI.
South Carolina—SC.
South Dakota—SD.
Tennessee—TN.
Texas—TX.
Utah—UT.
Vermont—VT.
Virginia—VA.
Virgin Islands—VI.
West Virginia—WV.
Wisconsin—WS.
Wyoming—WY.

(b) The Coast Guard is the issuing authority and reporting authority in:

STATE

Alaska—AK.
American Samoa—AS.
New Hampshire—NH.
Washington—WN.

(c) The abbreviations following the names of the State listed in paragraphs (a) and (b) are the two capital letters that must be used in the number format to denote the State of principal use as prescribed in § 174.23 of this chapter.

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 76-076, 41 FR 23401, June 10, 1976]

# PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

## Subpart A—General

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174.1 Applicability.
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174.5 Requirements for approval.
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## Subpart B—Numbering System Requirements

174.11 Applicability of State numbering system.
174.13 Owner or operator requirements.
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174.21 Contents of temporary certificate.
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174.25 Size of certificate of number.
174.27 Duration of certificate of number.
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## Subpart C—Casualty Reporting System Requirements

174.101 Applicability of State casualty reporting system.
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## Subpart D—State Reports

174.121 Forwarding of casualty or accident reports.
174.123 Annual report of numbered vessels.
174.125 Coast Guard address.

AUTHORITY: Sections 18 and 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(o)(1), unless otherwise noted.

SOURCE: CGD 72-54R, 37 FR 21402, Oct. 7, 1972, unless otherwise noted.

## Subpart A—General

### § 174.1 Applicability.

This part establishes a standard numbering system for vessels and a uniform vessel casualty reporting system for vessels by prescribing requirements applicable to the States for the approval of State numbering systems.

### § 174.3 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(c) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(d) "Reporting authority" means a State where a numbering system has been approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of Part 173 of this chapter.

### § 174.5 Requirements for approval.

The Commandant approves a State numbering system if he finds, after examination of the information submitted by a State, that the State numbering system and vessel casualty reporting system meet the requirements of this part and the provisions of sections 18 through 24 and section 37 of the Act relating to numbering and casualty reporting.

### § 174.7 Approval procedure.

To obtain approval by the Commandant of a numbering system or of any revision to a numbering system, an authorized representative of the State must submit three copies of the State laws, regulations, forms, and policy statements, if any, that pertain to the numbering system or revision to U.S. Coast Guard (GBL/62), 2100 Second Street SW., Washington, DC 20593.

## Subpart B—Numbering System Requirements

### § 174.11 Applicability of State numbering system.

(a) Except as allowed in paragraph (c) of this section, a State numbering system must require the numbering of vessels to which § 173.11 of this chapter applies.

(b) A State numbering system may require the numbering of any vessel subject to the jurisdiction of the State unless prohibited by the regulations in Part 173 of this chapter.

(c) A State numbering system may exempt from its numbering requirements any vessel or class of vessels to which § 173.13 of this chapter applies.

### § 174.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 173:

(a) Paragraph (a) of § 173.15 *Vessel number required.*

(b) Section 173.19 *Other numbers prohibited.*

(c) Paragraph (a) of § 173.21 *Certificate of number required.*

(d) Section 173.23 *Inspection of certificate.*

(e) Section 173.25 *Location of certificate of number.*

(f) Section 173.29 *Notification of issuing authority.*

(g) Section 173.71 *Application for certificate of number.*

(h) Section 173.73 *Duplicate certificate of number.*

(i) Section 173.77 *Validity of certificate of number.*

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

### § 174.14 State numbering system optional sections.

In addition to the requirements in § 174.13, a State numbering system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

### § 174.15 Validation stickers.

(a) If a State issues validation stickers, its numbering system must contain the requirements that stickers must be displayed within 6 inches of the number and the stickers must meet the requirements in paragraphs (b) and (c) of this section.

(b) Validation stickers must be approximately 3 inches square.

(c) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1973.

### § 174.17 Contents of application for certificate of number.

(a) Each form for application for a certificate of number must contain the following information:

(1) Name of the owner.

(2) Address of the owner, including ZIP code.

(3) Date of birth of the owner.

(4) Citizenship of the owner.

(5) State in which vessel is or will be principally used.

(6) The number previously issued by an issuing authority for the vessel, if any.

(7) Whether the application is for a new number, renewal of a number, or transfer of ownership.

(8) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use.

(9) Make of vessel.

(10) Year vessel was manufactured or model year.

(11) Manufacturer's hull identification number, if any.

(12) Overall length of vessel.

(13) Type of vessel (open, cabin, house, or other).

(14) Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other.

(15) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail and name of engine manufacturer if available.

(16) Whether the fuel is gasoline, diesel, or other.

(17) The signature of the owner.

(b) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items 9 through 16 of paragraph (a) of this section.

(c) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit items 15 and 16 of paragraph (a) of this section.

### § 174.19 Contents of a certificate of number.

(a) Except as allowed in paragraphs (b), (c), and (d) of this section, each certificate of number must contain the following information:

(1) Number issued to the vessel.

(2) Expiration date of the certificate.

(3) State of principal use.

(4) Name of the owner.

(5) Address of owner, including ZIP code.

(6) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.

(7) Manufacturer's hull identification number (if any).

(8) Make of vessel.

(9) Year vessel was manufactured.

(10) Overall length of vessel.

(11) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.

(12) Hull material.

(13) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.

(14) Whether the fuel is gasoline, diesel, or other.

(b) A certificate of number issued to a vessel that has a manufacturer's hull identification number assigned, may omit items 8 through 14 of paragraph (a) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(c) A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit items 7 through 14 of paragraph (a) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(d) A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit items 13 and 14 of paragraph (a) of this section if the words "livery vessel" are plainly marked on the certificate.

(e) An issuing authority may print on the certificate of number a quotation of the State regulations pertaining to change of ownership or address, documentation, loss, discovery of vessel, carriage of the certificate of number on board when the vessel is in use, rendering aid in a boat accident, and reporting of vessel casualties and accidents.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 77-117, 44 FR 42195, July 19, 1979]

### § 174.21 Contents of temporary certificate.

A temporary certificate issued pending the issuance of a certificate of number must contain the following information:

(a) Make of vessel.

(b) Length of vessel.

(c) Type of propulsion.

(d) State in which vessel is principally used.

(e) Name of owner.

(f) Address of owner, including ZIP code.

(g) Signature of owner.

(h) Date of issuance.

(i) Notice to the owner that the temporary certificate is invalid after 60 days from the date of issuance.

### § 174.23 Form of number.

(a) Each number must consist of two capital letters denoting the State of the issuing authority, as specified in Appendix A of Part 173 of this chapter, followed by—

(1) Not more than four numerals followed by not more than two capital letters (example: NH 1234 BD); or

(2) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(b) A number suffix must not include the letters "I", "O", or "Q," which may be mistaken for numerals.

### § 174.25 Size of certificate of number.

Each certificate of number must be approximately 2½ by 3½ inches.

### § 174.27 Duration of certificate of number.

A certificate of number must not be valid for more than 3 years.

### § 174.29 Temporary certificate of number.

A State may issue a temporary certificate of number that is effective for not more than 60 days.

### § 174.31 Terms and conditions for vessel numbering.

A State numbering system may condition the issuance of a certificate of number on—

(a) Title to, or other proof of ownership of a vessel except a recreational-type public vessel of the United States; or

(b) The payment of State or local taxes, except for a recreational-type public vessel of the United States.

## Subpart C—Casualty Reporting System Requirements

### § 174.101 Applicability of State casualty reporting system.

(a) A State casualty reporting system must require the reporting of vessel casualties and accidents involving vessels to which § 173.51 of this chapter applies.

(b) The State casualty reporting system may require vessel casualty or accident reports resulting in property damage of $200 or less.

(46 U.S.C. 1486; 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 76-155, 44 FR 5309, Mar. 25, 1979]

### § 174.103 Administration.

The State casualty reporting system must be administered by a State agency that—

(a) Will provide for the reporting of all casualties and accidents prescribed in § 173.55 of this chapter;

(b) Receives reports of vessel casualties or accidents required in § 174.101;

(c) Reviews each accident and casualty report to assure the accuracy and completeness of each report;

(d) Determines the cause of casualties and accidents reported based on information available and indicates the apparent cause on the casualty report or on an attached page;

(e) Notifies the Coast Guard, in writing, when a problem area in boating safety peculiar to the State is determined, together, with corrective measures instituted or recommended; and

(f) Reports on vessel numbering and vessel casualties and accidents as required in Subpart D of this part.

(46 U.S.C. 1486; 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 76-155, 44 FR 5309, Mar. 25, 1979]

### § 174.105 Owner or operator casualty reporting requirements.

A State casualty reporting system must contain the following requirements of Part 173 applicable to an owner or a person operating a vessel:

(a) Section 173.55 *Report of casualty or accident.*

(b) Section 173.57 *Casualty or accident report.*

(c) Section 173.59 *Where to report.*

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

### § 174.106 State casualty reporting system optional sections.

In addition to the requirements in § 174.105, a State casualty reporting system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46 (n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

### § 174.107 Contents of casualty or accident report form.

Each form for reporting a vessel casualty or accident must contain the information required in § 173.57 of this chapter.

## Subpart D—State Reports

### § 174.121 Forwarding of casualty or accident reports.

Within 30 days of the receipt of a casualty or accident report, each State that has an approved numbering system must forward a copy of that report to the Commander of the Coast Guard District in which the State Capitol is located, except that Ohio and Minnesota must forward reports to the Commander, Ninth Coast Guard District, and Vermont to the Commander, Third Coast Guard District.

### § 174.123 Annual report of numbered vessels.

Before March 1 of each year, each State that has an approved numbering system must prepare and submit Coast Guard Form CGHQ-3923, Report of Certificates of Number Issued to Boats, to the Coast Guard.

### § 174.125 Coast Guard address.

The report required by § 174.123 must be sent to the Commandant (G-BLC), U.S. Coast Guard, Washington, D.C. 20593.

[CGD 76-076, 41 FR 23401, June 10, 1976]

# PART 175—EQUIPMENT REQUIREMENTS

## Subpart A—General

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175.3 Definitions.

## Subpart B—Personal Flotation Devices

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175.15 Personal flotation devices required.
175.17 Exceptions.
175.19 Stowage.
175.21 Conditions: approval; marking.
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## Subpart C—Visual Distress Signals

175.101 Applicability.
175.105 Definitions.
175.110 Visual distress signals required.
175.113 Launchers.
175.115 Exceptions.
175.120 Stowage.
175.125 Serviceability.
175.128 Marking.
175.130 Visual distress signals accepted.
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## Subpart D—Ventilation

175.201 Ventilation.

AUTHORITY: Secs. 5 and 39 of the Federal Boat Safety Act of 1971, as amended, 46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1), unless otherwise noted.

SOURCE: CGD 72-120R, 38 FR 8115, Mar. 28, 1973, unless otherwise noted.

EFFECTIVE DATE NOTE: At 44 FR 73024, Dec. 17, 1979, the authority citation to Part 175 was revised, effective Jan. 1, 1981. For the convenience of the user, the superseded authority is set out below.

AUTHORITY: Secs. 5 and 39 of the Federal Boat Safety Act of 1971, 46 U.S.C. 1454, 1488; 49 CFR 1.46(o)(1).

## Subpart A—General

### § 175.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States except—

(a) Foreign boats temporarily using waters subject to U.S. jurisdiction;

(b) Military or public boats of the United States, except recreational-type public vessels;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ship's lifeboats.

### § 175.3 Definitions.

As used in this part:

(a) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(b) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(c) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(d) "Use" means operate, navigate, or employ.

(e) "Passenger" means every person carried on board a vessel other than—

(1) The owner or his representative;

(2) The operator;

(3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(f) "Racing shell, rowing scull, and racing kayak" means a manually propelled boat that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

## Subpart B—Personal Flotation Devices

### § 175.11 Applicability.

This subpart applies to all recreational boats that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel except racing shells, rowing sculls, and racing kayaks.

### § 175.13 Definitions.

As used in this subpart:

(a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR Part 160.

(b) "PFD" means "personal flotation device".

### § 175.15 Personal flotation devices required.

(a) Except as provided in § 175.17, no person may use a recreational boat less than 16 feet in length or a canoe or kayak unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

(1) Type I PFD.

(2) Type II PFD.

(3) Type III PFD.

(4) Type IV PFD.

(b) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

(1) Type I PFD.

(2) Type II PFD.

(3) Type III PFD.

(c) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one type IV PFD or its equivalent listed in Table 175.23 is on board in addition to the PFD's required in paragraph (b) of this section.

### § 175.17 Exceptions.

(a) Before October 1, 1977, a person using a kayak or canoe that is enclosed by a deck and spray skirt need not comply with § 175.15(a) if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mill polyvinylchloride

film and has not less than 13 pounds of positive buoyancy in fresh water; if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 10 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A type V PFD may be carried in lieu of any PFD required in § 175.15 if that type V PFD is approved for the activity in which the recreational boat is being used.

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972 as amended by CGD 74-159, 41 FR 23954, June 14, 1976]

### § 175.19 Stowage.

(a) No person may use a recreational boat unless each type I, type II, type III, or type V PFD required by §§ 175.15 or 175.17 is readily accessible.

(b) No person may use a recreational boat unless each type IV PFD required by § 175.15 is immediately available.

### § 175.21 Conditions: approval; marking.

No person may use a recreational boat unless each device required by § 175.15, or each device allowed by § 175.17, is—

(a) In serviceable condition;

(b) Legibly marked with the approval number as specified in 46 CFR Part 160 for items subject to approval; and

(c) Of an appropriate size for the person for whom it is intended.

### § 175.23 Personal flotation device equivalents.

Table 175.23 lists devices that are equivalent to personal flotation devices.

TABLE 175.23

| *Devices marked—* | *Are equivalent to performance type* |
|---|---|
| 160 002 Life preserver | Type I personal flotation device |
| 160 003 Life preserver | Do |
| 160 004 Life preserver | Do |
| 160 005 Life preserver | Do |
| 160 009 Ring life buoy | Type IV personal flotation device |
| 160 047 Buoyant vest | Type II personal flotation device |
| 160.048 Buoyant cushion | Type IV personal flotation device. |
| 160.049 Buoyant cushion | Do. |
| 160.050 Ring life buoy | Do. |
| 160.052 Buoyant vest | Type II personal flotation device. |
| 160.053 Work vest | Type V personal flotation device. |
| 160.055 Life preserver | Type I personal flotation device. |
| 160.060 Buoyant vest | Type II personal flotation device. |
| 160.064 Special purpose water safety buoyant devices | A device intended to be worn may be equivalent to type II or type III. A device that is equivalent to type III is marked "Type III Device—may not turn unconscious wearer". A device intended to be grasped is equivalent to type IV. |

## Subpart C—Visual Distress Signals

SOURCE: CGD 76-183, 44 FR 73024, Dec. 17, 1979, unless otherwise noted.

EFFECTIVE DATE NOTE: Subpart C becomes effective Jan. 1, 1981.

### § 175.101 Applicability.

(a) This subpart applies, after 31 December 1980, to boats on the coastal waters of the United States and on the high seas beyond the territorial seas for boats owned in the United States.

### § 175.105 Definitions.

(a) "Visual distress signal" means a device that is approved by the Commandant under 46 CFR Part 160 or certified by the manufacturer under 46 CFR Parts 160 and 161.

(b) "Coastal Waters" means the Great Lakes and the territorial seas of the United States, and the bays and sounds which empty into these waters. Rivers, inside of a line drawn tangent to their headlands, are not included in "Coastal Waters" unless the distance across the river is over 2 miles. All portions of a river from the mouth to the point at which the river first narrows to 2 miles are included in "Coastal Waters."

### § 175.110 Visual distress signals required.

(a) No person may use a boat 16 feet or more in length or any boat carrying six or less passengers unless visual distress signals selected from the list in § 175.130 or the alternatives in § 175.135, in the number required, are on board. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, must be carried.

(b) Between sunset and sunrise, no person may use a boat less than 16 feet in length unless visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135, in the number required, are on board.

### § 175.113 Launchers.

(a) When a visual distress signal carried to meet the requirements of § 175.110 requires a launcher to activate, then a launcher approved under 46 CFR 160.028 must also be carried.

### § 175.115 Exceptions.

The following persons need not comply with § 175.110; however, each must carry on board visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135, in the number required, between sunset and sunrise:

(a) A person competing in any organized marine parade, regatta, race, or similar event;

(b) A person using a manually propelled boat; or

(c) A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26′ in length.

### § 175.120 Stowage.

(a) No person may use a boat unless the visual distress signals required by § 175.110 are readily accessible.

### § 175.125 Serviceability.

(a) No person may use a boat unless each signal required by § 175.110 is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

### § 175.128 Marking.

(a) No person may use a boat unless each signal required by § 175.110 is legibly marked with the approval number or certification statement as specified in 46 CFR Parts 160 and 161.

### § 175.130 Visual distress signals accepted.

(a) Any of following signals, when carried in the number required, can be used to meet the requirements of § 175.110.

**Table 175.130**

| | Device description | Accepted for use | Number required to be carried |
|---|---|---|---|
| Number marked on device | | | |
| 160 022 | Floating Orange Smoke Distress Signals | Days only | 3 |
| 160 024 | Pistol-Projected Parachute Red Flare Distress Signals | Day and night [1] | 3 |
| 160 036 | Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals | Day and night | 3 |
| 160 037 | Hand-Held Orange Smoke Distress Signals | Day only | 3 |
| 160 057 | Floating Orange Smoke Distress Signals | Day only | 3 |
| 160 066 | Distress Signal for Boats, Red Aerial Pyrotechnic Flare | Day and night [2] | 3 |
| 160 072 | Distress Signal for Boats, Orange Flag | Day only | 1 |
| 161 013 | Electric Distress Light for Boats | Night only | 1 |

[1] These signals require use in combination with a suitable launching device approved under 46 CFR 160.028.

[2] These devices may be either self-contained or pistol launched, and either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160 028.

### § 175.135 Existing equipment.

(a) The following types of non-approved pyrotechnic devices will be acceptable as meeting § 175.110 until 1 July 1982 so long as they remain in good and serviceable condition:

(1) Pyrotechnic aerial red flares, either hand-held or pistol projected,

for "day and night" signal requirement;

(2) Pyrotechnic hand-held or floating orange smoke, for "day only" signal requirement;

(3) Signal pistols for use with cartridges accepted as meeting § 175.110.

### § 175.140 Prohibited use.

No person in a boat shall display a visual distress signal on waters to which this subpart applies under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

## Subpart D—Ventilation

### § 175.201 Ventilation.

No person may operate a boat built after July 31, 1980, that has a gasoline engine for electrical generation, mechanical power, or propulsion unless it is equipped with an operable ventilation system that meets the requirements of 33 CFR 183.610 (a), (b), (d), (e), and (f) and 183.620(a).

(46 U.S.C. 1454, 1455, 49 CFR 1.46(n)(1))

[CGD 76-082, 44 FR 73027, Dec. 17, 1979]

Effective Date Note: Section 175.201 becomes effective Aug. 1, 1980.

## PART 177—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS

Sec.
177.01 Purpose and applicability.
177.03 Definitions.
177.05 Action to correct an especially hazardous condition.
177.07 Other unsafe conditions.
177.08 Regulated boating areas.
177.09 Penalties.

Authority: Sec. 39, 85 Stat. 228, 46 U.S.C. 1488; 49 CFR 1.46(o)(1).

Source: CGD 72-71R, 37 FR 13347, July 7, 1972, unless otherwise noted.

### § 177.01 Purpose and applicability.

This part prescribes rules to implement section 13 of the Federal Boat Safety Act of 1971 which governs the correction of especially hazardous conditions on boats using waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States, except operators of—

(a) Foreign boats temporarily using waters subject to United States jurisdiction;

(b) Military or public boats of the United States, except recreational-type public boats;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes and which is clearly identifiable as such;

(d) Ship's lifeboats.

### § 177.03 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Boat" means any vessel—

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(c) "Coast Guard Boarding Officer" means a commissioned, warrant, or petty officer of the Coast Guard having authority to board any vessel under the Act of August 4, 1949, 63 Stat. 502, as amended (14 U.S.C. 89).

(d) "Operator" means the person who is in control or in charge of a boat while it is in use.

(e) "Use" means operate, navigate, or employ.

(f) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

### § 177.05 Action to correct an especially hazardous condition.

An operator of a boat who is directed by a Coast Guard Boarding Officer to take immediate and reasonable steps necessary for the safety of those aboard the vessel, under section 13 of the Act, shall follow the direction of the Boarding Officer, which may include direction to—

(a) Correct the especially hazardous condition immediately;

(b) Proceed to a mooring, dock, or anchorage; or

(c) Suspend further use of the boat until the especially hazardous condition is corrected.

### § 177.07 Other unsafe conditions.

For the purpose of section 13 of the Act, "other unsafe condition" means a boat—

(a) Does not display the navigation lights prescribed by 46 CFR Subpart 25.05 between sunset and sunrise;

(b) Has fuel leakage from either the fuel system or engine;

(c) Has an accumulation of fuel in the bilges or a compartment other than a fuel tank;

(d) Does not meet the ventilation requirements for tanks and engine spaces prescribed by 46 CFR 25.40;

(e) Does not meet the requirements for backfire flame control prescribed by 46 CFR 25.35; or

(f) Is operated in a Regulated Boating Area as described in § 177.08 when—

(1) The wave height within the Regulated Boating Area is 4 feet or greater; or

(2) The wave height within the Regulated Boating Area is equal to or greater than the wave height determined by the formula

$$L/10+F=W$$

where:

L = Overall length of a boat measured in feet in a straight horizontal line along and parallel with the centerline between the intersections of this line with the vertical planes of the stem and stern profiles excluding deckhouses and equipment.

F = The minimum freeboard when measured in feet from the lowest point along the upper strake edge to the surface of the water.

W = Maximum wave height in feet to the nearest highest whole number; or

(3) The surface current is 4 knots or greater within the Regulated Boating Area.

(g) Designated manifestly unsafe for a specific voyage on a specific body of water due to:

(1) Unsuitable design or configuration, or

(2) Improper construction or inadequate material condition, or

(3) Improper or inadequate operational or safety equipment, and set forth in a regulation issued by a District Commander under the authority of 33 CFR 1.05-1(d).

[CGD 72-71R, 37 FR 13347, July 7, 1972, as amended by CGD 73-41R, 39 FR 2583, Jan. 23, 1974; CGD 73-41R, 39 FR 5488, Feb. 13, 1974; CGD 73-40R, 39 FR 10131, Mar. 18, 1974]

### § 177.08 Regulated boating areas.

For the purpose of this part the following are regulated boating areas.

(a) *Quillayute River Entrance, Wash.* From the west end of James Island 47°54′23″ N., 124°39′05″ W. southward to buoy No. 2 at 47°53′42″ N., 124°38′42″ W. eastward to the shoreline at 47°53′42″ N., 124°37′51″ W., thence northward along the shoreline to 47°54′29″ N., 124°38′20″ W. thence northward to 47°54′36″ N., 124°38′22″ W. thence westward to the beginning.

(b) *Grays Harbor Entrance, Wash.* From a point on the shoreline at 46°59′00″ N., 124°10′10″ W. westward to 46°59′00″ N., 124°15′30″ W. thence southward to 46°51′00″ N., 124°15′30″ W. thence eastward to a point on the shoreline at 46°51′00″ N., 124°06′40″ W. thence northward along the shoreline to a point at the south jetty 46°54′20″ N., 124°08′07″ W. thence eastward to 46°54′10″ N., 124°05′00″ W. thence northward to 46°55′00″ N., 124°03′30″ W. thence northwestward to Damon Point at 46°56′50″ N., 124°06′30″ W. thence westward along the north shoreline of the harbor to the north jetty at 46°55′40″ N., 124°10′27″ W. thence northward along the shoreline to the beginning.

(c) *Willapa Bay, Wash.* From a point on the shoreline at 46°46′00″ N., 124°05′40″ W. westward to 46°44′00″ N., 124°10′45″ W. thence southward to 46°35′00″ N., 124°10′45″ W. thence eastward to a point on the shoreline at 46°35′00″ N., 124°03′45″ W. thence northward along the shoreline around the north end of Leadbetter Point thence southward along the east shoreline of Leadbetter Point to

46°36′00″ N., 124°02′15″ W. thence eastward to 46°36′00″ N., 124°00′00″ W. thence northward to Toke Point at 46°42′15″ N., 123°58′00″ W. thence westward along the north shoreline of the harbor and northward along the seaward shoreline to the beginning.

(d) *Columbia River Bar, Wash.-Oreg.* From a point on the shoreline at 46°18′00″ N., 124°04′39″ W. thence westward to 46°18′00″ N., 124°09′30″ W. thence southward to 46°12′00″ N., 124°09′30″ W. thence eastward to a point on the shoreline at 46°12′00″ N., 123°59′33″ W. thence eastward to Tansy Point Range Front Light at 46°11′16″ N., 123°55′05″ W.; thence northward to Chinook Point at 46°15′08″ N., 123°55′25″ W. thence northwestward to the north end of Sand Island at 46°17′29″ N., 124°01′25″ W. thence southwestward to a point on the north shoreline of the harbor at 46°16′25″ N., 124°02′28″ W. thence northwestward and southwestward along the north shoreline of the harbor and northward along the seaward shoreline to the beginning.

(e) *Nehalem River Bar, Oreg.* From a point on the shoreline 45°41′25″ N., 123°56′16″ W. thence westward 45°41′25″ N., 123°59′00″ W. thence southward to 45°37′25″ N., 123°59′00″ W. thence eastward to a point on the shoreline at 45°37′25″ N., 123°56′38″ W. thence northward along the shoreline to the north end of the south jetty at 45°39′40″ N., 123°55′45″ W. thence westward to a point on the shoreline at 45°39′45″ N., 123°56′19″ W. thence northward along the shoreline to the beginning.

(f) *Tillamook Bay Bar, Oreg.* From a point on the shoreline at 45°35′15″ N., 123°57′05″ W. thence westward 45°35′15″ N., 124°00′00″ W. thence southward to 45°30′00″ N., 124°00′00″ W. thence eastward to a point on the shoreline at 45°30′00″ N., 123°57′40″ W. thence northward along the shoreline to the north end of Kincheloe Point at 45°33′30″ N., 123°56′05″ W. thence northward to a point on the north shoreline of the harbor at 45°33′40″ N., 123°55′59″ W. thence westward along the north shoreline of the harbor then northward along the seaward shoreline to the beginning.

(g) *Netarts Bay Bar, Oreg.* From a point on the shoreline at 45°28′05″ N. thence westward to 45°28′05″ N., 124°00′00″ W. thence southward to 45°24′00″ N., 124°00′00″ W. thence eastward to a point on the shoreline at 45°24′00″ N., 123°57′45″ W. thence northward along the shoreline to 45°26′03″ N., 123°57′15″ W. thence eastward to a point on the north shoreline of the harbor at 45°26′00″ N., 123°56′57″ W. thence northward along the shoreline to the beginning.

(h) *Siletz Bay Bar, Oreg.* From a point on the shoreline at 44°56′32″ N., 124°01′29″ W. thence westward to 44°56′32″ N., 124°03′00″ W. thence southward to 44°54′40″ N., 124°03′15″ W. thence eastward to a point on the shoreline at 44°54′40″ N., 124°01′55″ W. thence northward along the shoreline to 44°55′35″ N., 124°01′25″ W. thence northward to a point on the north shoreline of the harbor at 44°55′45″ N., 124°01′20″ W. thence westward and northward along the shoreline to the beginning.

(i) *Depoe Bay Bar, Oreg.* From a point on the shoreline at 44°49′15″ N., 124°04′00″ W. thence westward to 44°49′15″ N., 124°04′35″ W. thence southward to 44°47′55″ N., 124°04′55″ W. thence eastward to a point on the shoreline at 44°47′53″ N., 124°04′25″ W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway bridge thence northward to the north bank at the bridge thence westward along the north bank of the entrance channel and northward along the seaward shoreline to the beginning.

(j) *Yaquina Bay Bar, Oreg.* From a point on the shoreline at 44°38′11″ N., 124°03′47″ W. thence westward to 44°38′11″ N., 124°05′55″ W. thence southward to 44°35′15″ N., 124°06′05″ W. thence eastward to a point on the shoreline at 44°35′15″ N., 124°04′02″ W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway bridge thence northward to the north bank of the entrance channel at the bridge thence westward along the north bank of the entrance channel and northward along the seaway shoreline to the beginning.

(k) *Siuslaw River Bar, Oreg.* From a point on the shoreline at 44°02′00″ N., 124°08′00″ W. thence westward to 44°02′00″ N., 124°09′30″ W. thence southward to 44°00′00″ N., 124°09′30″ W. thence eastward to a point on the shoreline at 44°00′00″ N., 124°08′12″ W. thence northward along the shoreline and southward along the west bank of the entrance channel to 44°00′35″ N., 124°07′48″ W. thence southeastward to a point on the east bank of the entrance channel at 44°00′20″ N., 124°07′31″ W. thence northward along the east bank of the entrance channel and northward along the seaward shoreline to the beginning.

(l) *Umpqua River Bar, Oreg.* From a point on the shoreline at 43°41′20″ N., 124°11′58″ W. thence westward to 43°41′20″ N., 124°13′32″ W. thence southward to 43°38′35″ N., 124°14′25″ W. thence eastward to a point on the shoreline at 43°38′35″ N., 124°12′35″ W. thence northward along the shoreline to the north end of the training jetty at 43°40′15″ N., 124°11′45″ W. thence northward to a point on the west bank of the entrance channel at 43°40′40″ N., 124°11′41″ W. thence southwestward along the west bank of the entrance channel thence northward along the seaward shoreline to the beginning.

(m) *Coos Bay Bar, Oreg.* From a point on the shoreline at 43°22′15″ N., 124°19′34″ W. thence westward to 43°22′20″ N., 124°22′28″ W. thence southwestward to 43°21′00″ N., 124°23′35″ W. thence southeastward to a point on the shoreline at 43°20′25″ N., 124°22′28″ W. thence northward along the shoreline and eastward along the south shore of the entrance channel to a point on the shoreline at 43°20′52″ N., 124°19′12″ W. thence eastward to a point on the east shoreline of the harbor at 43°21′00″ N., 124°18′50″ W. thence northward to a point on the west shoreline of the harbor at 43°21′45″ N., 124°19′10″ W. thence south and west along the west shoreline of the harbor thence northward along the seaward shoreline to the beginning.

(n) *Coquille River Bar, Oreg.* From a point on the shoreline at 43°08′25″ N., 124°25′04″ W. thence southwestward to 43°07′50″ N., 124°27′05″ W. thence southwestward to 43°07′03″ N., 124°28′25″ W. thence eastward to a point on the shoreline at 43°06′00″ N., 124°25′55″ W. thence northward along the shoreline and eastward along the south shoreline of the channel entrance to 43°07′17″ N., 124°25′00″ W. thence northward to the east end of the north jetty at 43°07′24″ N., 124°24′59″ W. thence westward along the north shoreline of the entrance channel and northward along the seaward shoreline to the beginning.

(o) *Rogue River Bar, Oreg.* From a point on the shoreline at 42°26′25″ N., 124°26′03″ W. thence westward to 42°26′10″ N., 124°27′05″ W. thence southward to 42°24′15″ N., 124°27′05″ W. thence eastward to a point on the shoreline at 42°24′15″ N., 124°25′30″ W. thence northward along the shoreline and eastward along the south shoreline of the entrance channel to the highway bridge thence northward across the inner harbor jetty to a point on the north shoreline of the entrance channel at the highway bridge thence westward along the north shoreline of the entrance channel thence northward along the seaward shoreline to the beginning.

(p) *Chetco River Bar, Oreg.* From a point on the shoreline at 42°02′35″ N., 124°17′20″ W. thence southeastward to 42°01′45″ N., 124°16′30″ W. thence northwestward to a point on the shoreline at 42°02′10″ N., 124°15′35″ W. thence northwestward along the shoreline thence northward along the east shoreline of the channel entrance to 42°02′47″ N., 124°16′03″ W. thence northward along the west face of the inner jetty and east shoreline of the channel entrance to the highway bridge thence westward to the west shoreline of the channel at the highway bridge thence southward along the west shoreline of the channel thence westward along the seaward shoreline to the beginning.

[CGD 73-41R, 39 FR 2583, Jan. 23, 1974]

### § 177.09 Penalties.

An operator of a boat who does not follow the directions of a Coast Guard Boarding Officer prescribed in § 177.05 is, in addition to any other penalty prescribed by law, subject to—

(a) The criminal penalties of section 34 of the Federal Boat Safety Act of 1971 which provides that "Any person who willfully violates section 12(c) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than 1 year, or both." and

(b) The civil penalties of subsection 35(b) of the Federal Boat Safety Act of 1971 which provides "In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel, the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found."

## PART 179—DEFECT NOTIFICATION

Sec.

179.01 Purpose.
179.03 Definitions.
179.05 Manufacturer discovered defects.
179.07 Notice given by "more expeditious means."
179.09 Contents of notification.
179.11 Defects determined by the Commandant.
179.13 Initial report to the Commandant.
179.15 Follow-up report.
179.17 Penalties.
179.19 Address of Commandant.

AUTHORITY: 46 U.S.C. 1464(f) and (g); 49 CFR 1.46(o)(1).

SOURCE: CGD 72-55R, 37 FR 15776, Aug. 4, 1972, unless otherwise noted.

### § 179.01 Purpose.

This part prescribes rules to implement section 15 of the Federal Boat Safety Act of 1971 governing the notification of defects in boats and associated equipment.

### § 179.03 Definitions.

(a) "Act" means the Federal Boat Safety Act of 1971.

(b) "Manufacturer" means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(3) The importation into the United States for sale of boats, associated equipment, or components thereof.

(c) "Boat" means any vessel—

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(d) "Associated equipment" means an—

(1) Inboard engine,

(2) Outboard engine, or

(3) Stern drive unit

as shipped, transferred, or sold from the place of manufacture and includes all attached parts and accessories.

### § 179.05 Manufacturer discovered defects.

Each manufacturer who is required to furnish a notice of a defect or failure to comply with a standard prescribed pursuant to section 5 of the Act by section 15(a) of the Act shall furnish that notice within 30 days after he discovers or acquires information of the defect or failure to comply.

### § 179.07 Notice given by "more expeditious means."

Each manufacturer who gives the notice required by section 15 of the Act by more expeditious means than certified mail must give such notice in writing.

### § 179.09 Contents of notification.

Each notice required by section 15(a) of the Act must include the following additional information:

(a) The name and address of the manufacturer.

(b) Identifying classifications including the make, model year, if appropriate, the inclusive dates (month and year) of the manufacture, or serial numbers and any other data necessary to describe the boats or associated equipment that may be affected.

### § 179.11 Defects determined by the Commandant.

A manufacturer who is informed by the Commandant under section 15(e) of the Act that a boat or associated equipment contains a defect relating to safety or failure to comply with a standard prescribed pursuant to section 5 of the Act shall, within 30 days of receipt of the information—

(a) Furnish the notification described in section 15(c) of the Act to the persons designated in section 15(b) of the Act, or

(b) Present his views to the Commandant by certified mail to establish that there is no defect relating to safety or failure of compliance.

### § 179.13 Initial report to the Commandant.

(a) When a manufacturer gives a notification required by section 15 of the Act, he shall concurrently send to the Commandant by certified mail—

(1) A true or representative copy of each notice, bulletin, and other communication that he has given to the persons required to be notified under section 15(b) of the Act;

(2) The total number of boats or associated equipment potentially affected by the defect or failure to comply with a standard prescribed pursuant to section 5 of the Act; and

(3) If discovered or determined by the manufacturer, a chronology of all principal events upon which the determination is based.

(b) A manufacturer may submit an item required by paragraph (a) of this section that is not available at the time of submission to the Commandant when it becomes available if the manufacturer explains why it was not submitted within the time required and estimates when it will become available.

### § 179.15 Follow-up report.

(a) Each manufacturer who makes an initial report required by § 179.13 shall submit a follow-up report to the Commandant by certified mail within 60 days after the initial report. The follow-up report must contain at least the following information:

(1) A positive identification of the initial report;

(2) The number of units in which the defect was discovered as of the date of the follow-up report;

(3) The number of units in which corrective action has been completed as of the date of the follow-up report;

(4) The number of first purchasers not notified because of an out-of-date name or address, or both; and

(5) An updating of the information required by § 179.13.

(b) Each manufacturer shall submit any additional follow-up reports requested by the Commandant.

### § 179.17 Penalties.

(a) Each manufacturer who fails to furnish a notification as required by section 15(a) of the Act or fails to exercise reasonable diligence in fulfilling the undertaking given pursuant to section 15(c) of the Act is subject to the penalties prescribed by section 35(a) of the Act.

(b) Each manufacturer who fails to comply with any other provision of section 15 of the Act or the regulations in this part is subject to the penalties prescribed by section 35(b) of the Act.

### § 179.19 Address of Commandant.

Each report and communication sent to the Coast Guard required by this part must be submitted to:

U.S. Coast Guard (BBC/62), 2100 Second Street SW., Washington, D.C. 20593.

## PART 181—MANUFACTURER REQUIREMENTS

### Subpart A—General

Sec.
181.1 Purpose and applicability.
181.3 Definitions.

### Subpart B—Manufacturer Certification of Compliance

181.5 Purpose and applicability.
181.7 Compliance certification label required.
181.9 Affixing labels.
181.11 Exceptions to labeling requirement.
181.13 Removal of labels.
181.15 Contents of label.
181.17 Label numbers and letters.
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### Subpart C—Identification of Hulls

Sec.

181.21 Purpose and applicability.
181.23 Hull identification numbers required.
181.25 Hull identification number format.
181.27 Additional characters in hull identification number.
181.29 Hull identification number display.
181.31 Manufacturer identification assigned.

### Subparts D—F—[Reserved]

### Subpart G—Instruction Pamphlet for Personal Flotation Devices

181.701 Applicability.
181.703 PFD information pamphlet; manufacturer requirements.
181.705 PFD information pamphlet; contents.

AUTHORITY: Secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488; 49 CFR 1.46(o)(1), unless otherwise noted.

SOURCE: CGD 72-60, 37 FR 15779, Aug. 4, 1972, unless otherwise noted.

## Subpart A—General

### § 181.1 Purpose and applicability.

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

### § 181.3 Definitions.

As used in this part—

(a) "Manufacturer" means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The importation into the United States for sale of boats, associated equipment, or components thereof.

(b) 'Boat' means any vessel manufactured or used primarily for noncommercial use; leased, or rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Associated equipment" means—

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(2) Any accessory or equipment for, or appurtenance to, a boat; and

(3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but

(4) Excluding radio equipment.

(d) "Date of certification" means the date on which a boat or item of associated equipment is certified to comply with all applicable U.S. Coast Guard safety standards in effect on that date.

(e) "Date of manufacture" means the month and year during which construction or assembly of a boat or item of associated equipment begins.

(f) "Model year" means the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.

(g) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, boats, or items of associated equipment manufactured by another.

## Subpart B—Manufacturer Certification of Compliance

### § 181.5 Purpose and applicability.

This subpart prescribes requirements for the certification of boats and associated equipment to which section 4 of the Federal Boat Safety Act of 1971 applies and to which a safety standard prescribed in Part 183 of this chapter applies.

### § 181.7 Compliance certification label required.

Unless there is affixed to it a certification label that contains the information required by § 181.15—

(a) No person who manufactures, constructs, or assembles a boat or associated equipment may deliver that boat or equipment for the purpose of sale;

(b) No person may import into the United States any boat or associated equipment; and

(c) No person engaged in the business of selling or distributing boats or associated equipment may sell or offer for sale any boat or associated equipment.

### § 181.9 Affixing labels.

(a) Each manufacturer of a boat or item of associated equipment to which a standard or regulation prescribed in Part 183 of this chapter applies shall affix a certification label that contains the information required by § 181.15 to that boat or equipment before it—

(1) Leaves the place of manufacture for the purpose of sale; or

(2) Is imported.

(b) The manufacturer of a boat or item of associated equipment that is sold to a private label merchandiser may, at the option of the private label merchandiser, affix a certification label identifying the private label merchandiser as the manufacturer before the boat or item of associated equipment leaves the place of manufacture.

### § 181.11 Exceptions to labeling requirement.

(a) This part does not apply to boats or associated equipment intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) If an item of associated equipment is so small that a certification label that meets the requirements in § 181.15 cannot be affixed to it, a certification label that contains the information required by § 181.15 may be printed on the smallest container in which the item is packed or on a slip packed with the item.

### § 181.13 Removal of labels.

No person may remove a label required by this part or remove or alter any information on a label required by this part, unless authorized by the Commandant.

### § 181.15 Contents of labels.

(a) Each label required by § 181.7 must contain—

(1) The name and address of the manufacturer or private label merchandiser who certifies that the boat or item of associated equipment complies with the standards prescribed in Part 183 of this subchapter; and

(2) Except as provided in paragraph (c) of this section, the words—

(i) "This (insert 'Boat' or 'Equipment') Complies With U.S. Coast Guard Safety Standards In Effect On (insert date of certification as prescribed in paragraph (b) of this section)"; or

(ii) If the item being certified is a boat or boat hull, the label may show the words, "This Boat Complies With U.S. Coast Guard Safety Standards In Effect On The Date of Certification."

(b) Date of certification must be no earlier than the date on which construction or assembly began and no later than the date on which the boat or item of associated equipment leaves the place of manufacture or assembly or import for the purposes of sale.

(c) If a boat displays the stability warning label required by § 183.23 of this subchapter, the words "Except Load Capacity" must be inserted after the words "Safety Standards" and before "In Effect" in the statement prescribed by paragraph (a)(2) of this section.

(d) Except as provided in paragraph (e) of this section, the manufacturer may, in addition to the information required by paragraphs (a), (b), and (c) of this section, display on the certification label any or all of the following items of information:

(1) Model name or designation.

(2) Hull identification number (if a boat) or serial number (if an item of associated equipment).

(3) Model year.

(e) Display of the hull identification number on the certification label does not satisfy the display requirements of § 181.29.

### § 181.17 Label numbers and letters.

Letters and numbers on each label must—

(a) Be no less than one-eighth of an inch in height; and

(b) Contrast with the basic color of the label, except that the date of certification may be permanently stamped, engraved, or embossed on the label.

### § 181.19 Construction of labels.

(a) Each label must be made of material that can withstand exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal use of the boat or item of associated equipment without deterioration of legibility.

(b) Each label must be made of material that shows visible traces of the alteration or removal of information on the label.

## Subpart C—Identification of Hulls

### § 181.21 Purpose and applicability.

This subpart prescribes the requirements for identification of hulls of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

### § 181.23 Hull identification numbers required.

Except as provided in paragraph (b) of this section—

(a) Each manufacturer of a boat hull shall identify that hull with a hull identification number that meets the requirements of this subpart;

(b) Each person who imports a boat or boat hull shall identify that hull with a hull identification number that meets the requirements of this subpart, unless the manufacturer of that hull or boat has already identified the hull with a hull identification that meets the requirements of this part; and

(c) No person may assign the same first eight characters of a hull identification number to more than one boat hull.

### § 181.25 Hull identification number format.

Each hull identification number required by § 181.23 must consist of 12 characters as follows:

(a) The first three characters must consist of a manufacturer identification assigned under § 181.31.

(b) Characters 4 through 8 must be assigned by the manufacturer and must be letters of the English alphabet or Arabic numerals or both, except the letters I, O, and Q.

(c) Characters 9 through 12 must indicate the date of certification. The characters must be either—

(1) Arabic numerals with characters 9 and 10 indicating the month and characters 11 and 12 indicating the last two numerals of the year; or

(2) A combination of Arabic numerals and letters of the English alphabet with character 9 indicated as "M," characters 10 and 11 the last two numerals of the model year, and character 12 the month of the model year. The first month of the model year, August, must be designated by the letter "A," the second month, September, by the letter "B," and so on until the last month of the model year, July.

### § 181.27 Additional characters in hull identification number.

A manufacturer may display additional characters after the 12 characters required by § 181.25 if they are separated from the hull identification number by a hyphen.

### § 181.29 Hull identification number display.

(a) The hull identification number must be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat in such a way that alternation, removal, or replacement would be obvious and evident.

(b) The characters of the hull identification number must be no less than one-fourth of an inch in height.

### § 181.31 Manufacturer identification assigned.

(a) Each person required by § 181.23 to affix a hull identification number may request a manufacturer identification from the Commandant (GBBC), 2100 Second Street SW., Washington, DC 20593. There is no charge for the assignment.

(b) Canadian manufacturers may request a manufacturer identification from the Commissioner, Canadian Coast Guard, Ministry of Transport, Ottawa, Ontario, Canada KIA ON7.

(46 U.S.C. 1454, 1456, 1488, 49 CFR 1.46(n)(1))

[CGD 72-60, 37 FR 15779, Aug. 4, 1972, as amended by CGD 76-226, 43 FR 14964, Apr. 10, 1978]

## Subparts D—F—[Reserved]

## Subpart G—Instruction Pamphlet for Personal Flotation Devices

AUTHORITY: 46 U.S.C. 1454, 1488; 49 CFR 1.4(n)(1).

SOURCE: CGD 75-008a, 43 FR 9767, Mar. 9, 1978, unless otherwise noted.

### § 181.701 Applicability.

This subpart applies to all personal flotation devices that are sold or offered for sale for use on recreational boats.

### § 181.703 PFD information pamphlet: manufacturer requirements.

Each manufacturer of a Type I, II, III, IV, or V personal flotation device that is sold or offered for sale for use on a recreational boat shall furnish the text required by § 181.705 with each device by meeting one of the following:

(a) If the personal flotation device package is not transparent—

(1) The text in paragraph (a) of § 181.705 of this subpart must be provided in a manner such that it can be read prior to purchase; and

(2) The text in paragraph (b) of § 181.705 of this subpart must be printed in a pamphlet and the pamphlet must be enclosed in each package.

(b) If the personal flotation device package is transparent—

(1) The text in paragraph (a) of § 181.705 of this subpart must be printed in a pamphlet and the pamphlet must be enclosed in each package so that the text can be read through the package; and

(2) The text in paragraph (b) of § 181.705 of this subpart must be printed on the remaining pages of the pamphlet or in another pamphlet which must be enclosed in each package.

(c) If the personal flotation device is not in a package, a pamphlet that meets § 181.705 of this subpart must be attached to each personal flotation device so that a purchaser can read the text of paragraph (a) of § 181.705 of this subpart prior to purchase.

### § 181.705 PFD information pamphlet: contents.

Each manufacturer of a Type I, II, III, IV, or V personal flotation device shall furnish with each PFD that is sold or offered for sale for use on a recreational boat the text specified in the following paragraphs. Additional information, instructions, or illustrations may be included.[1]

(a) The following text must be visible or in an attached pamphlet.

#### FEDERAL REGULATIONS REQUIRE PERSONAL FLOTATION DEVICES

Coast Guard regulations in Part 175 of Title 33, Code of Federal Regulations require personal flotation devices in the following three situations:

(*a*) No person may may use a recreational boat less than 16 feet in length or a canoe or kayak unless at least one personal flotation device of the following types is on board for each person:

(1) Type I PFD.
(2) Type II PFD.
(3) Type III PFD.
(4) Type IV PFD.

(*b*) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one personal flotation device of the following types of is on board for each person:

(1) Type I PED.
(2) Type II PED.
(3) Type III PFD.

(*c*) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one Type IV PFD is on board in addition to the PFD's required in paragraph (*b*).

#### THERE ARE FIVE TYPES OF PERSONAL FLOTATION DEVICES

This is a Type (I, II, III, IV or V) PFD.

NOTE: The following types of PFD's are designed to perform as described in calm water and when the wearer is not wearing any other flotation material (such as a wetsuit).

Type I.—A Type I PFD has the greatest required buoyancy and is designed to turn most unconscious persons in the water from a face down position to a vertical and slightly backward position and to maintain the person in the vertical and slightly backward position and, therefore, greatly increase his or her chances of survival. The Type I PFD is suitable for all waters, especially for cruising on waters where there is a probability of delayed rescue, such as large bodies of water where it is not likely that a significant number of boats will be in close proximity. This type PFD is the most effective of all the types in rough water. The Type I PFD is easiest to don in any emergency because it is reversible and available in only two sizes—Adult (90 lb. or more) and child (less than 90 lb.) which are universal sizes (designed to fit all persons in the appropriate category).

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[1] The illustrations required by paragraph (a) of § 181.705 may be photographs or drawings. Each manufacturer should use illustrations of his own products. If this is not possible, illustrations of other Coast Guard approved PFD's may be used.

(*Illustration of Type I PFD*)

Type II.—A Type II PFD is designed to turn the wearer to a vertical and slightly backward position in the water. The turning action is not as pronounced as with a Type I and the device will not turn as many persons under the same conditions as the Type I. The Type II PFD is usually more comfortable to wear than the Type I. This type PFD is normally sized for ease of emergency donning and is available in the following sizes: Adult (more than 90 lb.)—Medium Child (50 lb. to 90 lb.), and two categories of Small Child (less than 50 lb. or less than 30 lb.). Additionally, some models are sized by chest sizes. You may prefer to use the Type II where there is a probability of quick rescue such as areas where it is common for other persons to be engaged in boating, fishing, and other water activities.

(*Illustration of Type II PFD*)

Type III.—The Type III PFD is designed so that the wearer can place himself or herself in a vertical and slightly backward position, and the device will maintain the wearer in that position and have no tendency to turn the wearer face down. A Type III can be the most comfortable, comes in a variety of styles which should be matched to the individual use, and is usually the best choice for water sports, such as skiing, hunting, fishing, canoeing, and kayaking. This type PFD normally comes in many chest sizes and weight ranges; however, some universal sizes are available. You may also prefer to use the Type III where there is a probability of quick rescue such as areas where it is common for other persons to be engaged in boating, fishing, and other water activities.

(*Illustration of Type III PFD*)

Type IV.—A Type IV PFD is designed to be grasped and held by the user until rescued as well as to be thrown to a person who has fallen overboard. While the Type IV is acceptable in place of a wearable device in certain instances, this type is suitable only where there is a probability of quick rescue such as areas where it is common for other persons to be engaged in boating, fishing, and other water activities. It is not recommended for non-swimmers and children.

(*Illustration of Type IV PFD*)

Type V.—A Type V PFD is a PFD approved for restricted uses. No Type V PFD is currently approved for use on recreational boats to meet the mandatory carriage requirements listed in paragraph (*a*), (*b*), or (*c*) above.

(b) The following text must also be supplied.

YOUR PERSONAL FLOTATION DEVICE

You are required by Federal Regulations to have at least one Coast Guard approved personal flotation device (PFD) for each person in your recreational boat. You may not use your recreational boat unless all your PFD's are in serviceable condition, are readily accessible, are legibly marked with the Coast Guard approval number, and are of an appropriate size (within the weight range and chest sizes marked on the PFD) for each person on board.

WHY DO YOU NEED A PFD?

Your PFD provides buoyancy to help keep your head above the water and to help you remain in a satisfactory position in the water. The average weight of an adult is only 10 to 12 pounds in the water and the buoyancy provided by the PFD will support that weight in water. Unfortunately, your body weight does not determine how much you will weigh in water. In fact, your weight in water changes slightly throughout the day. There is no simple method of determining your weight in water. You should try the device in the water to make sure it supports your mouth out of the water. Remember, all straps, zippers, and tie tapes must be used and of course the PFD must be the proper size (size limitations are on the label).

THINGS TO CONSIDER ABOUT PFD'S

(1) USCG approval of a PFD does not imply that it is ideal for all uses. For instance, there are a number of PFD's which are better suited for water skiing and others for white water canoeing and kayaking. These and other PFD's are labeled accordingly.

(2) Some PFD's are more rugged and durable than others but usually cost more. You should evaluate the trade-offs of cost, your intended use, and how often the PFD will have to be replaced.

(3) The use of most Type IV throwable PFD's usually requires you to grasp the device until rescued, which could prove difficult if there is an extended delay or if you

are overcome by hypothermia (loss of body heat to the water). Also it implies that if you find yourself in the water there will be someone available to throw it to you.

### EACH OF THESE DEVICES IS INTENDED TO HELP YOU SAVE YOUR OWN LIFE

For your PFD to function properly, follow these suggestions to insure that it fits, floats, and remains in good condition:

(1) Try your wearable PFD on and adjust it until it fits comfortably in and out of the water.

(2) Try your PFD out in the water. This will show you how it works and will give you confidence when you use it. You should be aware that your PFD may perform differently under different conditions such as in swift water, with bulky clothing, etc.

(3) Mark your PFD with your name if you are the only wearer.

(4) Do not alter your PFD. If it doesn't fit properly, get one that does. An altered device is no longer Coast Guard approved.

(5) Your PFD is not intended for use as a fender or kneeling pad.

(6) Inspect your PFD periodically to ensure that it is free of rips, tears, or holes, that the flotation pads have no leaks, and that all seams and joints are securely sewn.

(7) Keep your PFD away from sharp objects which may rip the fabric or puncture the flotation pads.

(8) If your PFD contains kapok, the kapok fibers may become waterlogged and lose their buoyancy after the vinyl inserts are split or punctured. When the kapok becomes hard or if the kapok is soaked with water, the PFD is no longer serviceable. It may not work when you need it and must be replaced.

(9) If your PFD is wet, allow it to dry throughly before storing it. Store it in a well ventilated area.

(10) Do not dry your PFD in front of a radiator or other source of direct heat.

(11) If you must swim while wearing your PFD use a back or side stroke.

### PFD'S AND CHILDREN

A child is difficult to float in a safe position because of the distribution of body weight and because a child tends to panic when suddenly in an unfamiliar environment. The violent movement of the arms and legs in an attempt to "climb out" of the water tends to nullify the stability of the PFD. An approved device will keep a child afloat, but not always in a face up position. A child should be taught how to put on the device and should be allowed to try it out in the water. It is important that the child feels comfortable and knows what the PFD is for and how it functions. Parents should note, however, that PFD's are not a substitute for adult supervision.

### WEAR YOUR PFD

Your personal flotation device won't help you if you don't have it on. If you don't choose to wear it at all times, you should keep it handy and put it on when heavy weather threatens, or when danger is imminent. Don't wait until it is too late; nonswimmers and childen especially should wear their PFD's at all times when on or near the water.

### HYPOTHERMIA

Hypothermia, the loss of body heat to the water, is a major cause of deaths in boating accidents. Often the cause of death is listed as drowning; but, most often the primary cause is hyothermia and the secondary cause is drowning. After an individual has succumbed to hypothermia, he will lose consciousness and then drown. The following chart shows the effects of hypothermia:

| Water temperature (degrees Fahrenheit) | Exhaustion or unconsciousness | Expected time of survival |
|---|---|---|
| 32.5 | Under 15 min | Under 15 to 45 min. |
| 32.5 to 40 | 15 to 30 min | 30 to 90 min. |
| 40 to 50 | 30 to 60 min | 1 to 3 h |
| 50 to 60 | 1 to 2 h | 1 to 6 h |
| 60 to 70 | 2 to 7 h | 2 to 40 h |
| 70 to 80 | 3 to 12 h | 3 h. to indefinite |
| Over 80 | Indefinite | Indefinite |

PFD's can increase survival time because of the insulation they provide. Naturally, the warmer the water, the less insulation one will require. When operating in cold waters (below 40° F.) consideration should be given to using a coat or jacket style PFD as they cover more of the body than the vest style PFD's.

Some points to remember about hypothermia protection:

(1) While afloat in the water, do not attempt to swim unless it is to reach a nearby craft, fellow survivor, or a floating object on which you can lean or climb. Unnecessary swimming increases the rate of body heat loss. In cold water drownproofing methods that require putting your head in the water are not recommended. Keep your head out of the water. This will greatly lessen heat loss and increase your survival time.

(2) Keep a positive attitude about your survival and rescue. This will improve your chances of extending your survival time until rescue. Your will-to-live does make a difference!

(3) If there is more than one person in the water, huddling is recommended while waiting to be rescued. This action tends to reduce the rate of heat loss and thus increase the survival time.

(4) Always wear your PFD. It won't help you fight off the effects of hypothermia if you don't have it on when you go into the water.

REMEMBER—SAFE BOATING IS NO ACCIDENT

If you need more information about PFD's and safe recreational boating, contact your state boating authority, U.S. Coast Guard Auxiliary, U.S. Power Squadron, Red Cross, or your nearest unit of the U.S. Coast Guard.

[CGD 75-008a, 43 FR 9767, Mar. 9, 1978; 43 FR 17356, Apr. 24, 1978]

# PART 183—BOATS AND ASSOCIATED EQUIPMENT

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AUTHORITY: Secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488; 49 CFR 1.46(o)(1), unless otherwise noted.

SOURCE: CGD 72-61R, 37 FR 15782, Aug. 4, 1972, unless otherwise noted.

## Subpart A—General

### § 183.1 Purpose and applicability.

This part prescribes standards and regulations for boats and associated equipment to which section 12 of the Federal Boat Safety Act of 1971 applies and to which certification requirements in Part 181 of this subchapter apply.

### § 183.3 Definitions.

(a) "Beam" means the transverse distance between the outer sides of the boat excluding handles, and other similar fittings, attachments, and extensions.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Full transom" means a transom with a maximum width which exceeds one-half the maximum beam of the boat.

(d) "Length" means the straight line horizontal measurement of the overall length from the foremost part of the boat to the aftermost part of the boat, measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

(e) "Monohull boat" means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or a pontoon boat is not a monohull boat.

(f) "Remote steering" means any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electrical control systems.

(g) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(h) "Sheer' means the topmost line in a boat's side. The sheer intersects the vertical centerline plane of the boat at the forward end and intersects the transom (stern) at the aft end. For the purposes of this definition, the topmost line in a boat's side is the line defined by a series of points of contact with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical plane normal to the outside edge of the boat as seen from above and which are brought into contact with the outside of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

(i) "Transom" means the surface at the stern of a boat projecting or facing aft. The upper boundary of the transom is the line defined by a series of points of contact, with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical longitudinal plane and which are brought into contact with the stern of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

(j) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(k) "Permanent appurtenances" means equimpent that is mounted or fastened, so that it is not removable without the use of tools. Seats, inboard engines, windshields, helm stations, or hardtops are permanent appurtenances. Outboard motors, controls, batteries, and portable fuel tanks are not permanent appurtenances.

(49 CFR 1.46(n)(l))

[CGD 73-250, 40 FR 43856, Sept. 23, 1975, as amended by CGD 75-176, 42 FR 2681, Jan. 13, 1977]

## Subpart B—Display of Capacity Information

### § 183.21 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats. .

### § 183.23 Capacity marking required.

Each boat must be marked in the manner prescribed in §§ 183.25 and 183.27 with the maximum persons capacity in whole numbers of persons and in pounds, the maximum weight capacity in pounds, determined under §§ 183.33 through 183.43, and the maximum horsepower capacity determined under § 183.53 or the statement "This Boat Not Rated for Propulsion by Motor".

[CGD 78-034, 45 FR 2029, Jan. 10, 1980]

### § 183.25 Display of markings.

(a) Each marking required by § 183.23 must be permanently displayed in a legible manner where it is clearly visible to the operator when getting the boat underway.

(b) The information required by § 183.23 must be displayed in the following manner:

(1) For outboard boats:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds
XXX Pounds, persons, motor, gear
XXX Horsepower, motor

or

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds
XXX Pounds, persons, motor, gear
XXX Horsepower, motor with remote steering
XXX Horsepower, motor without remote steering

(2) For inboard boats and inboard-outboard boats:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds
XXX Pounds, persons, gear

(3) For boats rated for motors of 2 horsepower or less:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds
XXX Pounds, persons, motor, gear
XXX Horsepower, motor

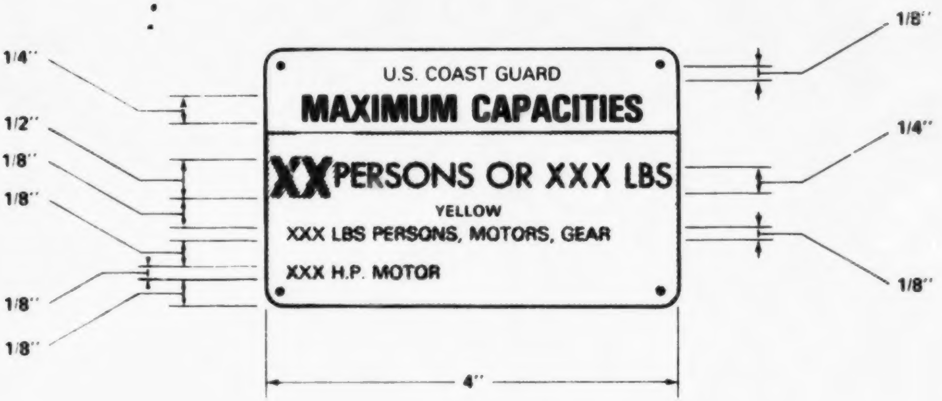
(4) For boats rated for manual propulsion:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds
XXX Pounds, persons, gear

*This Boat Not Rated for Propulsion by Motor*

(c) The capacity information displays required in paragraph (b) must meet the following as illustrated in Figure 183.25:



All Dimensions Are Minimum

FIGURE 183.25

(1) The capacity information required in § 183.23 must be displayed within a yellow area that—

(i) Is at least 4 inches wide; and

(ii) Is high enough that each line of print is separated by at least ⅛ inch from each other and from the borders of the yellow area;

(2) The persons capacity in whole numbers must be black print with the following dimensions:

(i) The height must not be smaller than one-half inch;

(ii) The width of the numbers must be three-fifths of the height except for the number "4", which shall be one stroke width wider, and the number "1", which shall be one stroke in width;

(iii) The stroke width shall be one-sixth of the height; and

(iv) The minimum space between the numbers shall be one stroke width.

(3) The words in the line "XX Persons or XXX Pounds" must be at least one-quarter inch in height but not larger than one-half the height of the persons capacity number and of a color contrasting with yellow. The number of pounds in this line must be

at least one-eighth inch in height but no larger than one-half the height of the persons capacity number and of a color contrasting with yellow.

(4) All remaining words and numbers required to be within the yellow area required in paragraph (c)(1) must be at least one-eighth inch in height, but no larger than one-half the height of the persons capacity number.

(5) All other words and numbers on the displays must be located outside the yellow area on a background color which contrasts with yellow.

(6) The words "Maximum Capacities" must be at least one-quarter inch in height and of color contrasting with its background.

(7) The words "U.S. Coast Guard" must be at least one-eighth inch in height and of color contrasting with its background.

[CGD 78-034, 45 FR 2029, Jan. 10, 1980]

### § 183.27 Construction of markings.

Each marking required by § 183.23 must be—

(a) Capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and

(b) Resistant to efforts to remove or alter the information without leaving some obvious sign of such efforts.

[CGD 78-034, 45 FR 2030, Jan. 10, 1980]

Effective Date Note: At 45 FR 2029, Jan. 10, 1980, §§ 183.23—183.27 were revised, effective Aug. 1, 1980. For the convenience of the user, the superseded text is set out below.

### § 183.23 Capacity marking required.

(a) Except as provided in paragraph (b), each boat must be marked in the manner prescribed in §§ 183.25 and 183.27 with the

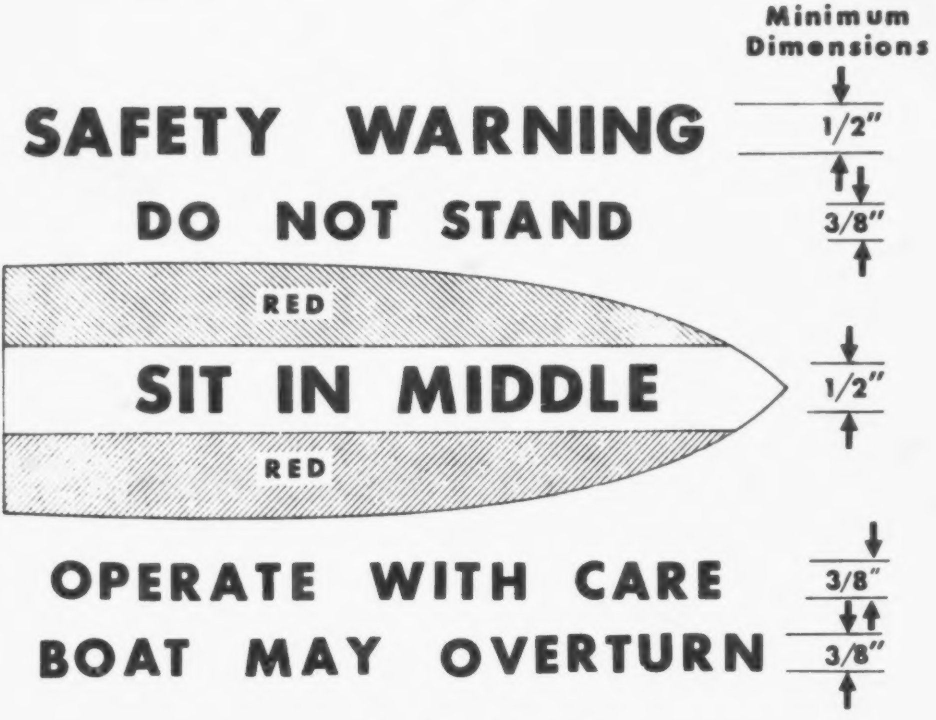


Figure 183.23

maximum weight capacity, maximum persons capacity determined under §§ 183.33 through 183.43, and maximum horsepower capacity determined under § 183.53.

(b) Any boat, the construction or assembly of which begins before August 1, 1973, may have displayed thereon a maximum persons capacity greater than that determined in §§ 183.39 through 183.43 if the maximum persons capacity displayed does not exceed the maximum weight capacity and the boat displays at least two stability warning labels prescribed in paragraph (c) of this section.

(c) Each of the stability warning labels required by paragraph (b) of this section must—

(1) Be waterproof;

(2) Be displayed at normal boarding positions; and

(3) Have a plan view of the boat and the words in block letters in the sizes shown in figure 183.23 in colors that contrast with the background of the label.

### § 183.25 Display of markings.

(a) Each marking required by § 183.23(a) must be permanently displayed in a legible manner where it is clearly visible to the operator when he is getting the boat underway.

(b) The information required to be marked by § 183.23(a) must be displayed in the following manner—

(1) For outboard boats:

U S COAST GUARD CAPACITY INFORMATION

| | |
|---|---|
| Maximum horsepower | xxx |
| Maximum persons capacity (pounds) | xxx |
| Maximum weight capacity (persons, motor, and gear) (pounds) | xxx |

or

U S COAST GUARD CAPACITY INFORMATION

| | |
|---|---|
| Maximum horsepower | |
| With remote steering | xxx |
| Without remote steering | xxx |
| Maximum persons capacity (pounds) | xxx |
| Maximum weight capacity (persons, motor, and gear) (pounds) | xxx |

(2) For inboard boats and inboard-outdrive boats:

U S COAST GUARD CAPACITY INFORMATION

| | |
|---|---|
| Maximum persons capacity (pounds) | xxx |
| Maximum weight capacity (persons and gear) (pounds) | xxx |

(3) For boats rated for motors of two horsepower or less:

U.S. COAST GUARD CAPACITY INFORMATION

| | |
|---|---|
| Maximum horsepower | XXX |
| Maximum persons capacity | XXX |
| Maximum weight capacity (persons, and gear) (pounds) | XXX |

(4) For boats rated for manual propulsion:

U.S. COAST GUARD CAPACITY INFORMATION

| | |
|---|---|
| | This boat rated for manual propulsion |
| Maximum persons capacity (pounds) | XXX |
| Maximum weight capacity (persons, and gear) (pounds) | XXX |

(49 CFR, 1.46(n)(1))

[CGD 72-61R, 37 FR 15782, Aug. 4, 1972, as amended at 39 FR 10899, Mar. 22, 1974; CGD 73-250, 40 FR 43856, Sept. 23, 1975; CGD 74-286, 42 FR 2682, Jan. 13, 1977]

### § 183.27 Construction of markings.

Each marking required by § 183.23(a) must be—

(a) Capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and

(b) Resistant to efforts to remove or alter the information without leaving some obvious sign of such efforts.

## Subpart C—Safe Loading

### § 183.31 Applicability.

This subpart applies to monohull boats less than 20 feet in length except sailboats, canoes, kayaks, and inflatable boats.

### § 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

(a) The maximum weight capacity (W) marked on a boat that has one or more inboard or inboard-outdrive units for propulsion must not exceed the greater value of W obtained from either of the following formulas:

$$W = \frac{\text{(maximum displacement)}}{5} - \frac{\text{boat weight}}{5} - \frac{4\text{(machinery weight)}}{5}$$

or

$$W = \frac{\text{(maximum displacement—boat weight)}}{7}$$

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

(2) "Boat weight" is the combination of:

(i) Hull weight;

(ii) Deck and superstructure weight;

(iii) Weight of permanent appurtenances; and

(iv) Weight of full permanent fuel tanks.

(3) "Machinery weight" is the combined weight of installed engines or motors, control equipment, drive units, and batteries.

(49 CFR 1.46(n)(1))

[CGD 72-61R, 37 FR 15782, Aug. 4, 1972, as amended at 39 FR 10899, Mar. 22, 1974; CGD 74-88, 40 FR 33973, Aug. 13, 1975; CGD 73-250, 40 FR 43657, Sept. 23, 1975; CGD 74-83, 40 FR 51440, Nov. 5, 1975; CGD 75-176, 42 FR 2681, Jan. 13, 1977]

## § 183.35 Maximum weight capacity: Outboard boats.

(a) The maximum weight capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must be a number that does not exceed one-fifth of the difference between its maximum displacement and boat weight.

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

(2) "Boat weight" is the combination of:

(i) Hull weight;

(ii) Deck and superstructure weight;

(iii) Weight of permanent appurtenances; and

(iv) Weight of full permanent fuel tanks.

(49 CFR 1.46(n)(1))

[CGD 72-61, 37 FR 15782, Aug. 4, 1972, as amended by CGD 73-250, 40 FR 43857, Sept. 23, 1975; CGD 75-176, 42 FR 2681, Jan. 13, 1977]

## § 183.37 Maximum weight capacity: Boats rated for manual propulsion and boats rated for motors of two horsepower or less.

(a) The maximum weight capacity marked on a boat that is rated for manual propulsion or for motors of two horsepower or less must not exceed 3/10 of the difference between the boat's maximum displacement and the boat's weight in pounds.

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without

water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

(2) "Boat weight" is the combination of:

(i) Hull weight;

(ii) Deck and superstructure weight; and

(iii) Weight of permanent appurtenances.

(49 CFR 1.49(n)(1))

[CGD 72-61R, 37 FR 15782, Aug. 4, 1972, as amended at 39 FR 10899, Mar. 22, 1974; CGD 73-250, 40 FR 43857, Sept. 23, 1975; CGD 75-176, CGD 74-2, 42 FR 2681-2682, Jan. 13, 1977]

### § 183.39 Persons capacity: Inboard and inboard-outdrive boats.

(a) The persons capacity in pounds marked on a boat that is designed or intended to use one or more inboard engines or inboard-outdrive units must not exceed the lesser of—

(1) The maximum weight capacity determined under § 183.33 for the boat; or

(2) The maximum persons capacity in pounds determined in the following manner:

(i) Float the boat in calm water with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipment, drive units and batteries.

(ii) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area, but no higher than the height of the gunwale and distributed equally forward and aft of that center in a plane parallel to the floorboards, until the boat assumes the maximum list or trim or both, without water coming aboard.

(iii) Compute the persons capacity in pounds in the following formula: Persons capacity = A/0.6 where A is the total of the weights added in paragraph (a)(2)(ii) of this section.

(b) The maximum persons capacity in whole numbers of persons marked on a boat that is designed or intended to use one or more inboard engines or inboard-outboard units must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(2)(iii), dividing the sum by 141 and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

[CGD 78-034, 45 FR 2030, Jan. 10, 1980]

### § 183.41 Persons capacity: Outboard boats.

(a) The persons capacity in pounds marked on a boat that is designed or intended to use one or more outboard motors for propulsion must not exceed the lesser of—

(1) The maximum weight capacity determined under § 183.35 for the boat minus the motor and control weight, battery weight (dry), and full portable fuel tank weight from Table 4 of Subpart H of this Part; or

(2) The maximum persons capacity in pounds determined by the following test in calm water:

(i) Float the boat with all its permanent appurtenances.

(ii) Add, in normal operating positions, the dry motor and control weight, battery weight, and full portable fuel tank weight, if any, shown in Table 4 of Subpart H of this part for the maximum horsepower capacity marked on the boat. Permanently installed fuel tanks shall be full of fuel.

(iii) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area, but no higher than the height of the gunwale, and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both without water coming aboard.

(iv) Compute the persons capacity in pounds using the following formula: Persons capacity = A/0.6 where A is the total of the weights added in paragraph (a)(2)(iii) of this section.

(b) The maximum persons capacity in whole numbers of persons marked on a boat designed or intended to use one or more outboard motors for propulsion must not exceed the value obtained by adding 32 pounds to the lesser of the values determined in paragraph (a)(1) or (a)(2)(iv), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

[CGD 78-034, 45 FR 2030, Jan. 10, 1980]

### § 183.43 Persons capacity: Boats rated for manual propulsion and boats rated for motors of 2 horsepower or less.

(a) The persons capacity in pounds marked on a boat that is rated for manual propulsion or for motors of 2 horsepower or less must not exceed—

(1) For boats rated for manual propulsion, 90 percent of the maximum weight capacity in pounds; and

(2) For boats rated for motors of 2 horsepower or less, 90 percent of the maximum weight capacity in pounds, less 25 pounds.

(b) The maximum persons capacity, in whole numbers of persons marked on a boat that is rated for manual propulsion must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(1), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

(c) The maximum persons capacity in whole numbers of persons marked on a boat rated for motors of 2 horsepower or less must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(2), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

[CGD 78-034, 45 FR 2031, Jan. 10, 1980]

EFFECTIVE DATE NOTE: At 45 FR 2030, Jan. 10, 1980, §§ 183.39—183.43 were revised, effective Aug. 1, 1980. For the convenience of the user, the superseded text is set out below.

#### § 183.39 Persons capacity: Inboard and inboard-outdrive boats.

The persons capacity marked on a boat that is designed or intended to use one or more inboard engines or inboard-outdrive units must not exceed the lesser of the maximum weight capacity determined under § 183.33 for the boat or the maximum persons capacity determined by the following test in calm water:

(a) Float the boat, with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipment, drive units, and batteries.

(b) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards, until the boat assumes the maximum list or trim, or both, without water coming aboard.

(c) Compute the persons capacity in the following formula:

Persons capacity = $A/0.6$ where $A$ is the total of the weights added in paragraph (b) of this section.

#### § 183.41 Persons capacity: Outboard boats.

The persons capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must not exceed the lesser of the maximum weight capcity determined under § 183.35 for the boat or the live load capacity determined by the following test in calm water:

(a) Float the boat with all its permanent appurtenances.

(b) Add, in normal operating positions, the dry motor and control weight, battery weight, and portable tank weight, if any, shown in Table 183.67(a) for the maximum horsepower capacity marked on the boat. For permanently installed fuel tanks, add 6 pounds of weight for each gallon of fuel capacity.

(c) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both, without water coming aboard.

(d) Compute the persons capacity in the following formula:

Persons capacity = $A/0.6$ where $A$ is the total of the weights added in paragraph (c) of this section.

### § 183.43 Persons capacity: Boats rated for manual propulsion and boats rated for motors of two horsepower or less.

The persons capacity marked on a boat that is rated for manual propulsion or for motors of two horsepower or less must not exceed—

(a) For boats rated for manual propulsion, 90 percent of the maximum weight capacity in pounds; and

(b) For boats rated for motors of two horsepower or less, 90 percent of the maximum weight capacity in pounds, less 25 pounds.

(49 CFR 1.46(n)(1))

[CGD 74-286, 42 FR 2683, Jan. 13, 1977]

## Subpart D—Safe Powering

### § 183.51 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats, that are designed or intended to use one or more outboard motors for propulsion.

### § 183.53 Horsepower capacity.

The maximum horsepower marked on a boat must not exceed the horsepower capacity determined as follows:

(a) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet excluding handles, and other similar fittings, attachments, and extensions. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

(b) Locate horsepower capacity corresponding to the factor in Table 183.53.

(c) If the horsepower capacity in Table 183.53 is not an even multiple of 5, it may be raised to the next even multiple of 5.

TABLE 183.53—OUTBOARD BOAT HORSEPOWER CAPACITY

COMPUTE FACTOR BOAT LENGTH × TRANSOM WIDTH

| | | | | | |
|---|---|---|---|---|---|
| If factor (nearest integer) is | 0–35 | 36–39 | 40–42 | 43–45 | 46–52 |
| Horsepower capacity is | 3 | 5 | 7½ | 10 | 15 |

NOTE For flat bottom hard chine boats, with factor of 52 or less, reduce one capacity increment (e.g. 5 to 3)

| | | No remote steering, or less than 20" transom | |
|---|---|---|---|
| If factor is over 52.5 and the boat has | Remote steering and at least 20" transom height | For flat bottom hard chine boats | For other boats |
| Horsepower capacity is (raise to nearest multiple of 5) | (2 × Factor) − 90 | (0.5 × Factor) 15 | (0.8 × Factor) − 25 |

(d) For flat bottom hard chine boats with a factor of 52 or less, the horsepower capacity must be reduced by one horsepower capacity increment in Table 183.53.

[CGD 72-61R, 37 FR 15782, Aug. 4, 1972, as amended at 37 FR 17388, Aug. 26, 1972; CGD 73-250, 40 FR 43857, Sept. 23, 1975]

## Subpart E—Flotation

### § 183.61 Applicability.

This subpart applies to monohull boats, the construction or assembly of which is begun after July 31, 1973, but before August 1, 1978, that are less than 20 feet in length, except monohull boats that meet the requirements of Subparts F, G or H of this Part, sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

[CGD 75-168, 42 FR 20242, Apr. 18, 1977]

### § 183.63 Quantity of flotation required.

(a) Each boat must have—

(1) At least that quantity of flotation prescribed in § 183.67; or

(2) Enough flotation to keep any portion of the boat above the surface of the water when the boat is filled with water and loaded with:

(i) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(ii) A weight that, when submerged, equals 25 percent of the dead weight;

(iii) A weight in pounds that, when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation; and

(iv) For outboard boats, a weight that, when submerged, equals the sum of the submerged motor, control, and battery weight from Table 183.67(a).

(b) For the purpose of this section, "dead weight" means:

(1) For outboard boats and boats without mechanical propulsion, the maximum weight capacity marked on the boat minus the sum of:

(i) Motor and control weight, battery weight (dry), and full portable fuel tanks from Table 183.67(a);

(ii) The persons capacity determined under § 183.41 for the boat; and

(2) For inboard boats, the maximum weight capacity marked on the boat minus the persons capacity determined under § 183.39 for the boat.

(c) Dead weight must be zero or a positive number.

(49 CFR 1.46(n)(1))

[CGD 76-176, 42 FR 2681, Jan. 13, 1977]

### § 183.65 Flotation materials.

(a) The flotation required by § 183.63 must be made of materials that are—

(1) Capable of withstanding the combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use, including fuel oil, gasoline, grease, lubricating oil, common bilge solvents, and salt and fresh water;

(2) Capable of withstanding combined exposure to sunlight, vibration, shock, and temperature variations which may be expected during normal use;

(3) Installed in such a manner that the flotation is fully effective when the boat is flooded or capsized.

(b) Any air chamber used for flotation must not be an integral part of the hull.

### § 183.67 Method for determining quantity of flotation.

The minimum quantity of flotation required by § 183.63(a) must be determined by the following method:

(a) Step 1: Determine the Submerged Weight of the Boat ($W_s$) in the formula:

$$W_s = (W_h K_1) + (W_d K_2) + (0.69 W_r)$$

Where:

$W_s$ = Submerged weight of boat.
$W_h$ = Dry weight of hull.
$W_d$ = Dry weight of deck and superstructure.
$W_r$ = Dry weight of permanent appurtenances.
$K_1$ *and* $K_2$ = Conversion factors for materials used from Table 183.67(b).

(b) Step 2: Determine submerged weight of engine and related equipment ($G$) as follows:

(1) For outboard boats, $G$ equals the sum of the submerged motor and control weight, battery weight, and full fuel tank weight from Table 183.67(a) for maximum horsepower capacity marked on the boat in accordance with § 183.53.

(2) For inboard boats $G$ equals 75 percent of the installed weight of engine, drive, and fuel system.

(c) Step 3: Determine dry weight of load ($C$) as follows:

(1) For outboard boats, $C$ equals the maximum weight capacity as determined in § 183.35 minus the sum of dry motor and control weight, battery weight, and full fuel tank weight from Table 183.67(a).

(2) For inboard boats, $C$ equals the maximum weight capacity as determined in § 183.33.

(d) Step 4: Determine flotation required ($W$) in the formula:

$W = W_c$ (Step 1) + $G$ (Step 2) + 0.25 $C$ (Step 3).

(e) Step 5: Determine the volume of flotation material ($F$) needed in the formula:

$F$ = Flotation required ($W$)/Buoyancy of flotation material + Chamber volume ($V$)

where: "Flotation required" is that value of $W$ determined in Step 4; "Chamber volume" is the volume of the two largest air chambers, if air chambers are used for flotation; and "Buoyancy of flotation material" is determined by subtracting from the density of fresh water the density of the flotation material. The density of the flotation material must be determined after the material has been immersed in fresh water for one-half hour. When air chambers are used, the "Buoyancy of flotation material" is 62.4 lbs./ft.$^3$

TABLE 183.67(a)—WEIGHTS (IN POUNDS) OF OUTBOARD MOTOR AND RELATED EQUIPMENT FOR VARIOUS BOAT HORSEPOWER RATINGS

| Boat horsepower rating | Motor and control weight | | Battery weight | | Full portable fuel tank weight[2] | |
|---|---|---|---|---|---|---|
| | Dry | Wet[1] | Dry | Wet[1] | Dry | Wet[1] |
| Under 4.0 | 35 | 20 | | | | |
| 4.0 to 5 | 55 | 34 | | | 25 | −1 |
| 5.1 to 10 | 70 | 55 | 20 | 11 | 50 | −1 |
| 10.1 to 30 | 105 | 86 | 45 | 25 | 50 | −1 |
| 30.1 to 50 | 190 | 138 | 45 | 25 | 100 | −3 |
| 50.1 to 75 | 240 | 173 | 45 | 25 | 100 | −3 |
| 75.1 to 150 | 305 | 218 | 45 | 25 | 100 | −3 |
| 150.1 to 250 | 420 | 300 | 45 | 25 | 100 | −3 |
| Transoms designed for twin motors | | | | | | |
| 60.0 to 100 | 380 | 268 | 45 | 25 | 100 | −3 |
| 100.1 to 150 | 480 | 328 | 45 | 25 | 100 | −3 |
| 150.1 to 300 | 610 | 413 | 45 | 25 | 100 | −3 |

[1] Wet in this case means submerged.

[2] If boat has a permanent built-in fuel tank, the tank should be full for the test and the "full portable fuel tank weight" excluded.

TABLE 183.67(b)

FACTORS FOR CONVERTING VARIOUS BOAT MATERIALS FROM DRY TO SUBMERGED WEIGHT

| Material | Sp. Gr. | Factor |
|---|---|---|
| Steel | 7.85 | 0.88 |
| Aluminum | 2.73 | 0.63 |
| Fiberglass | 1.50 | 0.33 |
| A B S | 1.12 | 0.11 |
| Oak | 0.63 | 0.56 |
| Mahogany | 0.56 | 0.78 |
| Ash | 0.56 | 0.78 |
| Yellow Pine | 0.55 | 0.81 |
| Fir Plywood | 0.55 | 0.81 |
| Mahogany Plywood | 0.54 | 0.83 |
| Royalex | 0.50 | 0.95 |
| Cedar | 0.33 | 1.95 |
| Balsa end grain | 0.16 | 5.24 |

(49 CFR 1.46(n)(1))

[CGD 72-61R, 37 FR 15782, Aug. 4, 1972, as amended at 37 FR 17388, Aug. 26, 1972; 39 FR 10899, Mar. 22, 1974; CGD 75-110, 41 FR 11290, Mar. 18, 1976; CGD 76-156, 42 FR 2682, Jan. 13, 1977]

## Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

AUTHORITY: 49 CFR 1.46(n)(1).

SOURCE: CGD 75-168, 42 FR 20243, Apr. 18, 1977, unless otherwise noted.

### § 183.101 Applicability.

This subpart applies to monohull inboard boats, inboard/outdrive boats, and airboats less than 20 feet in length, the construction or assembly of which is begun after July 31, 1978, except sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

### § 183.105 Quantity of flotation required.

(a) Each boat must have enough flotation to keep any portion of the boat above the surface of the water when the boat has been submerged in calm, fresh water for at least 18 hours and loaded with—

(1) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) A weight in pounds that, when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation.

(b) For the purpose of this section, "dead weight" means the maximum weight capacity marked on the boat minus the persons capacity marked on the boat.

### § 183.110 Definitions.

For the purpose of this subpart—

"ASTM" means American Society for Testing and Materials. The Coast Guard incorporates by reference ASTM Standard D-471, dated March 28, 1975, in § 183.114 of this subpart. This incorporation by reference was approved by the Director of the Office of the Federal Register on December 6, 1977. The Coast Guard also incorporates by reference ASTM Standard D-2842, dated November 14, 1969 (reapproved 1975), in § 183.114 of this subpart. This incorporation by reference was approved by the Director of the Office of the Federal Register on September 11, 1978. The incorporated standards are available for inspection at Coast Guard Headquarters, Room 4313, Transpoint Building, 2100 2nd St., SW., Washington, D.C. 20593 and at the Office of the Federal Register library, Room 8401, 1100 L St., NW., Washington, D.C. 20408. The incorporated standards may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

"Bilge" means the area in the boat, below a height of 4 inches measured from the lowest point in the boat where liquid can collect when the boat is in its static floating position, except engine rooms.

"Connected" means allowing a flow of water in excess of one-quarter ounce per hour from the engine room bilge into any other compartment with a 12 inch head of water on the engine room side of the bulkhead.

"Engine room bilge" means the area in the engine room or a connected compartment below a height of 12 inches measured from the lowest point where liquid can collect in these compartments when the boat is in its static floating position.

"Engine room" means the compartment where a permanently installed gasoline or diesel engine is installed, including connected compartments.

"Open to atmosphere" means a compartment that has at least 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.

"Sealed compartment" means an enclosure that can resist an exterior water level of 12 inches without seppage of more than one-quarter fluid ounce per hour.

[CGD 77-145, 43 FR 56858, Dec. 4, 1978]

### § 183.112 Flotation material and air chambers.

(a) Flotation materials must meet the requirements in § 183.114 as listed in Table 183.114 when used in the: (1) Engine room bilge, (2) engine room, or (3) bilge, unless located in a sealed compartment.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16, 1979]

### § 183.114 Test of flotation materials.

(a) *Vapor test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed in a fully saturated gasoline vapor atmosphere for 30 days at a minimum temperature of 38° C.

(b) *24-hour gasoline test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 24 hours at 23 plus or minus 2° C in reference fuel B, of ASTM D-471.

(c) *30-day gasoline test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 30 days at 23 plus or minus 2° C in reference fuel B, of ASTM D-471.

(d) *24-hour oil test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 24 hours at 23 plus or minus 2° C in reference oil No. 2, of ASTM D-471.

(e) *30-day oil test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 30 days at 23 plus or minus 2° C in reference oil No. 2, of ASTM D-471.

(f) *24-hour bilge cleaner test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 24 hours at 23 plus or minus 2° C in a 5-percent solution of trisodium phosphate in water.

(g) *30-day bilge cleaner test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 30 days at 23 plus or minus 2° C in a 5-percent solution of trisodium phosphate in water.

(h) The buoyant force reduction in (a)-(g) is measured in accordance with ASTM D-2842.

TABLE 183.114—FLOTATION PERFORMANCE TESTS

| Area 183.110<br>Test 183.114 | | (b) Engineroom Bilge | (c) Engineroom Unless Open to Atmosphere | (d) Bilge |
|---|---|---|---|---|
| (a) | Vapor Test | | X | |
| (b) | 24 Hour Gasoline Test | | | X |
| (c) | 30 Day Gasoline Test | X | | |
| (d) | 24 Hour Oil Test | | | X |
| (e) | 30 Day Oil Test | X | | |
| (f) | 24 Hour Bilge Cleaner Test | | | X |
| (g) | 30 Day Bilge Cleaner Test | X | | |

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16,1979]

## Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

AUTHORITY: 49 CFR 1.46(n)(1).

SOURCE: CGD 75-168; 42 FR 20243, Apr. 18, 1977, unless otherwise noted.

### GENERAL

### § 183.201 Applicability.

(a) This subpart applies to monohull outboard boats that are—

(1) Less than 20 feet in length;

(2) Rated for outboard engines of more than 2 horsepower; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

### § 183.202 Flotation and certification requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in §§ 183.225 (a), 183.230(a), and 183.235(a).

### § 183.205 Passenger carrying area.

(a) For the purpose of this section a boat is level when it is supported on its keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of the passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area when the boat is level as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where is a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.220 as illustrated in Figure 6.

(d) The breadth of each passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 8.

### § 183.210 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck, as illustrated in Figure 9.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 9.

### § 183.215 Reference depth.

Reference depth is the minimum distance between the uppermost surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

### § 183.220 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.225, 183.230, and 183.235:

(a) Manufacturer supplied permanent appurtenances such as windshields and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) The sum of 50 percent of 550 pounds of the persons capacity marked on the boat and 12½ percent of the remainder of the persons capacity.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: The maximum weight capacity marked on the boat; less the weight shown in Column 6 of Table 4 for maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section must be placed in the boat so that the center of gravity of each amount of weight required by paragraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) The shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) The length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) The breadth of the shaded area, measured at the midlength of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls and the battery in lieu of this equipment. The required quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Columns 2 and 4 of Table 4 for the swamped weight of the motor and controls and for the submerged weight or the battery, respectively.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

(h) Water must flood the two largest air chambers and all air chambers integral with the hull.

### § 183.222 Flotation material and air chambers.

(a) Flotation materials must meet the requirements in § 183.114 as listed in Table 183.114 when used in the bilge, unless located in a sealed compartment.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16, 1979]

## TESTS

### § 183.225 Flotation test for persons capacity.

*Flotation standard.* When the conditions prescribed in § 183.220 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

### § 183.230 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.220 (a), (d) through (h) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) One-half of the quantity of weight required by § 183.220(b)(1).

(2) The quantity of weight required by § 183.220(b)(2).

(c) *Placement of quantity of weight: starboard side.* Place the weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.220(b)(2) is positioned in accordance with § 183.220(c); and

(2) One-half the quantity of weight required by § 183.220(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor, and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

### § 183.235 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.220 (a), (d) through (h) are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

## Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

AUTHORITY: 49 CFR 1.46(n)(1).

SOURCE: CGD 75-168, 42 FR 20245, April 18, 1977, unless otherwise noted.

### GENERAL

### § 183.301 Applicability.

(a) This subpart applies to monohull boats that are—

(1) Less than 20 feet in length;

(2) Rated for manual propulsion or outboard engines of 2 horsepower or less; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

### § 183.302 Flotation requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in §§ 183.325(a), 183.330(a), and 183.335(a).

### § 183.305 Passenger carrying area.

(a) For the purpose of this section, a boat is level when it is supported on its keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of each passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level, as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where there is a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.320 as illustrated in Figure 6.

(d) The breadth of the passenger carrying area is the distance beteen two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 7.

[CGD 75-168, 42 FR 20245, Apr. 18, 1977; 42 FR 24738, May 16, 1977]

### § 183.310 Reference areas.

(a) The forward reference area of a boat is the forwardmost 2 feet of the top surface of the hull or deck as illustrated in Figure 9.

(b) The aft reference area of a boat is the aftmost two feet of the top surface of the hull or deck, as illustrated in Figure 9.

### § 183.315 Reference depth.

Reference depth is the minimum distance between the uppermost surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

### § 183.320 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.325, 183.330, and 183.335:

(a) Manufacturer supplied permanent appurtenances such as windshields, and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) Two-fifteenths of the persons capacity marked on the boat.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in column 6 of Table 4 for the maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section are placed in the boat so that the center of gravity of each amount of weight required by paragraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) The shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) The length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) The breadth of the shaded area, measured at the mid-length of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls in lieu of this equipment. The quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Column 2 of Table 4 for the swamped weight of the motor and controls

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184—199 [Reserved]

Cross References: United States Customs Service, Department of the Treasury: 19 CFR Chapter I.

Coast Guard regulations relating to shipping: 46 CFR Chapter I.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and the outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

### § 183.322 Flotation materials.

(a) Flotation materials must meet the requirements in § 183.114 as listed in Table 183.114 when used in the bilge, unless located in a sealed compartment.

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16, 1979]

## TESTS

### § 183.325 Flotation test for persons capacity.

*Flotation standard.* When the conditions prescribed in § 183.320 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

### § 183.330 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.320 (a), (d) through (g) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with quantity of weight that, when submerged, is equal to the sum of the following:

(1) One-half the quantity of weight required by § 183.320(b)(1).

(2) The quantity of weight required by § 183.320(b)(2).

(c) *Placement of quantity of weight: starboard side.* Place the quantity of weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.320(b)(2) is positioned in accordance with § 183.320(c); and

(2) One-half the quantity of weight required by § 183.320(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

### § 183.335 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.320 (a), (d) through (g) are met, the boat must float in fresh, calm water as follows:

(a) The angle of the heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

TABLE 4 —*Weights (pounds) of outboard motor and related equipment for various boat horsepower ratings*

| | Column No | | | | | |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| Boat horsepower rating | Motor and control weight | | Battery weight | | Full portable fuel tank weight | 1 + 3 + 5 |
| | Dry | Swamped | Dry | Submerged | | |
| 0.1 to 2 | 25 | 20 | | | | 25 |
| 2.1 to 3.9 | 35 | 30 | | | | 35 |
| 4.0 to 7 | 55 | 48 | | | 25 | 80 |
| 7.1 to 15 | 75 | 65 | 20 | 11 | 50 | 145 |
| 15.1 to 25 | 100 | 88 | 45 | 25 | 50 | 195 |
| 25.1 to 45 | 155 | 135 | 45 | 25 | 100 | 300 |
| 45.1 to 80 | 240 | 210 | 45 | 25 | 100 | 385 |
| 80.1 to 150 | 315 | 275 | 45 | 25 | 100 | 460 |
| 150.1 to 250 | 420 | 300 | 45 | 25 | 100 | 565 |
| TRANSOMS DESIGNED FOR TWIN MOTORS | | | | | | |
| 50.1 to 90 | 310 | 270 | 90 | 50 | 100 | 500 |
| 90.1 to 160 | 480 | 420 | 90 | 50 | 100 | 670 |
| 160.1 to 300 | 630 | 550 | 90 | 50 | 100 | 820 |

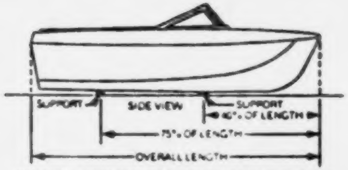
SUPPORT
SIDE VIEW
SUPPORT
40% OF LENGTH
75% OF LENGTH
OVERALL LENGTH

FIGURE 2. LOCATION OF SUPPORTS FOR LEVEL BOAT

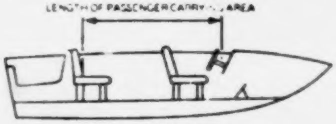
LENGTH OF PASSENGER CARRYING AREA

FIGURE 3. BOAT WITH DECK

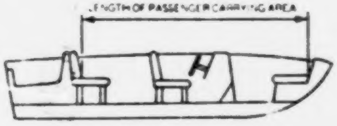
LENGTH OF PASSENGER CARRYING AREA

FIGURE 4. BOAT WITH CENTER CONSOLE

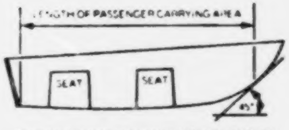
LENGTH OF PASSENGER CARRYING AREA
SEAT
SEAT
45°

FIGURE 5. OPEN BOAT WITH CURVED STEM

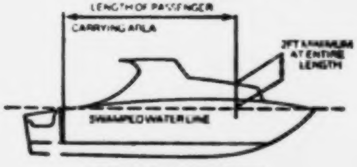
LENGTH OF PASSENGER
CARRYING AREA
2FT MINIMUM AT ENTIRE LENGTH
SWAMPED WATER LINE

FIGURE 6. BOAT WITH CABIN

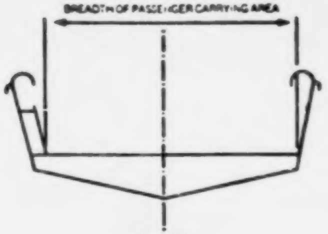
BREADTH OF PASSENGER CARRYING AREA

FIGURE 7.

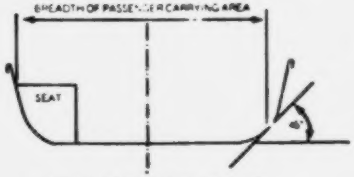
BREADTH OF PASSENGER CARRYING AREA
SEAT
45°

FIGURE 8. BOAT WITH ROUND CHINE

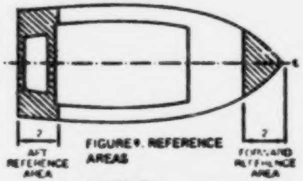
2'
AFT REFERENCE AREA
2'
FORWARD REFERENCE AREA
℄

FIGURE 9. REFERENCE AREAS

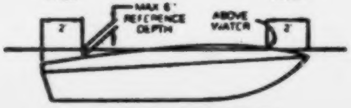
MAX 6" REFERENCE DEPTH
ABOVE WATER
2'
2'

FIGURE 10. REFERENCE DEPTH

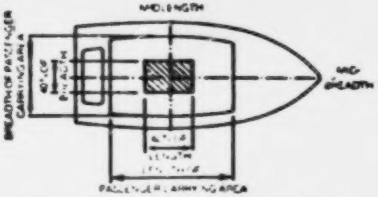
MID-LENGTH
MID-BREADTH
BREADTH OF PASSENGER CARRYING AREA
40% OF BREADTH
40% OF LENGTH
LENGTH OF PASSENGER CARRYING AREA

FIGURE 11. PASSENGER CARRYING AREA. LOCATION OF CENTER OF GRAVITY OF WEIGHTS

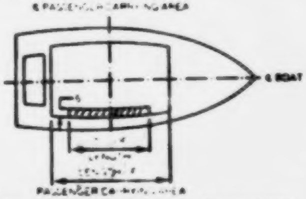
℄ PASSENGER CARRYING AREA
℄ BOAT
6"
LENGTH
PASSENGER CARRYING AREA

FIGURE 12. STABILITY TEST LOCATION OF CENTER OF GRAVITY OF WEIGHTS STARBOARD SIDE

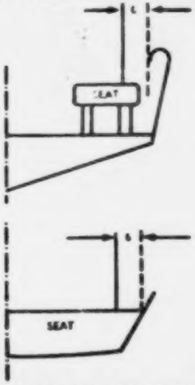
6"
SEAT
6"
SEAT

FIGURE 13. LOCATION OF CENTER OF GRAVITY OF WEIGHTS ON SEATS

927

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## Subpart I—Electrical Systems

AUTHORITY: 46 U.S.C. 1454; 49 CFR 1.46(n)(1).

SOURCE: CGD 73-217, 42 FR 5944, Jan. 31, 1977, unless otherwise noted.

### GENERAL

**§ 183.401 Purpose, applicability, and effective dates.**

(a) This subpart applies to all boats that have gasoline engines for electrical or mechanical power or propulsion, except outboard engines.

(b) The sections in this subpart are effective on the following dates:

August 1, 1977: § 183.401, § 183.402, § 183.405, § 183.420, § 183.445.
February 1, 1978: § 183.415, § 183.425, § 183.430, § 183.435, § 183.440, § 183.450, § 183.455, § 183.460.
February 1, 1979: § 183.410.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977; 42 FR 24739, May 16, 1977, as amended by CGD 78-070, 43 FR 36441, Aug. 17, 1978]

**§ 183.402 Definitions.**

As used in this subpart—(a) "ASTM" means American Society for Testing and Materials. ASTM standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., SW., Washington, D.C. 20593 and may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(b) "AWG" means American Wire Gauge.

(c) "Electrical component" means electrical equipment such as, but not limited to, conductors, solenoids, motors, generators, alternators, distributors, resistors, appliances and electrical control devices.

(d) "IEEE" means Institute of Electrical and Electronic Engineers, Inc. IEEE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., SW., Washington, D.C. 20593 and may be obtained from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

(e) "NFPA" means National Fire Protection Association. NFPA standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., SW., Washington, D.C. 20593 and may be obtained from the National Fire Protection Association, 470 Atlantic Ave., Boston, MA 02110.

(f) "Pigtails" means external power conductors or wires that are part of electrical components and appliances, such as bilge pumps, blowers, lamps, switches, solenoids, and fuses.

(g) "SAE" means Society of Automotive Engineers, Inc. SAE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., SW., Washington, D.C. 20593 and may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(h) "Sheath" means a material used as a continuous protective covering, such as electrical tape, molded rubber, molded plastic, or flexible tubing, around one or more insulated conductors.

(i) "UL" means Underwriters Laboratories Inc. UL standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., SW., Washington, D.C. 20593 and may be obtained from Underwriters Laboratories Inc., 207 East Ohio Street, Chicago, IL 60611.

**§ 183.405 General.**

Each electrical component on a boat to which this subpart applies must meet the requirements of this subpart unless the component is part of an outboard engine or part of portable equipment.

### MANUFACTURER REQUIREMENTS

**§ 183.410 Ignition protection.**

(a) Each electrical component must not ignite a propane gas and air mixture that is 4.25 to 5.25 percent propane gas by volume surrounding the electrical component when it is operated at each of its manufacturer rated voltages and current loadings, unless it is isolated from gasoline fuel sources, such as engines, and valves, connections, or other fittings in vent lines, fill lines, distribution lines or on fuel tanks, in accordance with paragraph (b) of this section.

(b) An electrical component is isolated from a gasoline fuel source if—

(1) A bulkhead that meets the requirements of paragraph (c) of this section is between the electrical component and the gasoline fuel source;

(2) The electrical component is—

(i) Lower than the gasoline fuel source and a means is provided to prevent fuel and fuel vapors that may leak from the gasoline fuel source from becoming exposed to the electrical component; or

(ii) Higher than the gasoline fuel source and a deck or other enclosure is between it and the gasoline fuel source; or

(3) The space between the electrical component and the gasoline fuel source is at least two feet and the space is open to the atmosphere.

(c) Each bulkhead required by paragraph (b)(1) of this section must—

(1) Separate the electrical component from the gasoline fuel source and extend both vertically and horizontally the distance of the open space between the fuel source and the ignition source;

(2) Resist a water level that is 12 inches high or one-third of the maximum height of the bulkhead, whichever is less, without seepage of more than one-quarter fluid ounce of fresh water per hour; and

(3) Have no opening located higher than 12 inches or one-third the maximum height of the bulkhead, whichever is less, unless the opening is used for the passage of conductors, piping, ventilation ducts, mechanical equipment, and similar items, or doors, hatches, and access panels, and the maximum annular space around each item or door, hatch or access panel must not be more than one-quarter inch.

### § 183.415 Grounding.

If a boat has more than one gasoline engine, grounded cranking motor circuits must be connected to each other by a common conductor circuit that can carry the starting current of each of the grounded cranking motor circuits.

### § 183.420 Batteries.

(a) Each installed battery must not move more than one inch in any direction when a pulling force of 90 pounds or twice the battery weight, whichever is less, is applied through the center of gravity of the battery as follows:

(1) Vertically for a duration of one minute.

(2) Horizontally and parallel to the boat's center line for a duration of one minute fore and one minute aft.

(3) Horizontally and perpendicular to the boat's center line for a duration of one minute to starboard and one minute to port.

(b) Each battery must be installed so that metallic objects cannot come in contact with the ungrounded battery terminals.

(c) Each metallic fuel line and fuel system component within 12 inches and above the horizontal plane of the battery top surface as installed must be shielded with dielectric material.

(d) Each battery must not be directly above or below a fuel tank, fuel filter, or fitting in a fuel line.

(e) Hydrogen gas discharged by a battery must not accumulate in the boat.

(f) The positive terminal of each battery must be identified by the letters "POS", or "P", or the symbol "+" marked on the terminal or on the battery case near the terminal.

(g) Each battery terminal connector must not depend on spring tension for its mechanical connection to the terminal.

### § 183.425 Conductors: General.

(a) Each conductor must be insulated, stranded copper.

(b) Except for intermittent surges each conductor must not carry a current greater than that specified in Table 5 for the conductor's gauge and temperature rating.

(c) For conductors in engine spaces, amperages must be corrected by the appropriate correction factor in note 1 of Table 5.

(d) Each conductor in a multiconductor sheath must be at least a No. 18 AWG conductor.

(e) Each conductor installed separately must be at least a No. 16 AWG conductor.

(f) Each No. 18 AWG conductor in a multiconductor sheath may not extend out of the sheath more than 30 inches.

(g) This section does not apply to communication systems; electronic navigation equipment; resistance conductors that control circuit amperage; high voltage secondary conductors and terminations that are in ignition systems; pigtails of less than seven inches of exposed length; and cranking motor conductors.

TABLE 5.—*Allowable amperage of conductors*

| Conductor size (AWG) | Temperature rating of conductor insulation | | | | | | |
|---|---|---|---|---|---|---|---|
| | 60° C (140° F) | 75° C (167° F) | 80° C (176° F) | 90° C (194° F) | 105° C (221° F) | 125° C ((257° F) | 200° C (392° F) |
| 18 | 10 | 10 | 15 | 20 | 20 | 25 | 25 |
| 16 | 15 | 15 | 20 | 25 | 25 | 30 | 35 |
| 14 | 20 | 20 | 25 | 30 | 35 | 40 | 45 |
| 12 | 25 | 25 | 35 | 40 | 45 | 50 | 55 |
| 10 | 40 | 40 | 50 | 55 | 60 | 70 | 70 |
| 8 | 55 | 65 | 70 | 70 | 80 | 90 | 100 |
| 6 | 80 | 95 | 100 | 100 | 120 | 125 | 135 |
| 4 | 105 | 125 | 130 | 135 | 160 | 170 | 180 |
| 3 | 120 | 145 | 150 | 155 | 180 | 195 | 210 |
| 2 | 140 | 170 | 175 | 180 | 210 | 225 | 240 |
| 1 | 165 | 195 | 210 | 210 | 245 | 265 | 280 |
| 0 | 195 | 230 | 245 | 245 | 285 | 305 | 325 |
| 00 | 225 | 265 | 285 | 285 | 330 | 355 | 370 |
| 000 | 260 | 310 | 330 | 330 | 385 | 410 | 430 |
| 0000 | 300 | 360 | 385 | 385 | 445 | 475 | 510 |

NOTES

1 See the following table:

| | 60° C (140° F) | 75° C (167° F) | 80° C (176° F) | 90° C (194° F) | 105° C (221° F) | 125° C (257° F) | 200° C (392° F) |
|---|---|---|---|---|---|---|---|
| Temperature rating of conductor | 0.58 | 0.75 | 0.78 | 0.82 | 0.85 | 0.89 | 1.00 |

2 See the following table:

| Number of current carrying conductors | *Correction factor* |
|---|---|
| 3 | 0.70 |
| 4 to 6 | .60 |
| 7 to 24 | .50 |
| 25 and above | .40 |

[CGD 73-217, 42 FR 5944, Jan. 31, 1977; 42 FR 24739, May 16, 1977]

### § 183.430 Conductors in circuits of less than 50 volts.

(a) Each conductor in a circuit that has a nominal voltage of less than 50 volts must—

(1) Meet the requirements of § 183.435; or

(2) Meet—

(i) The insulating material temperature rating requirements of SAE Standard J378b; and

(ii) SAE Standard J1127, or SAE Standard 1128.

(b) This section does not apply to communication systems; electronic navigation equipment; resistance conductors that control circuit amperage; and pigtails of less than seven inches of exposed length.

### § 183.435 Conductors in circuits of 50 volts or more.

(a) Each conductor in a circuit that has a nominal voltage of 50 volts or more must be—

(1) A conductor that has insulation listed and classified moisture resistant and flame retardant in Article 310, NFPA No. 70, National Electric Code;

(2) A flexible cord type SO, STO, ST, SJO, SJT, or SJTO listed in Article 400, NFPA No. 70, National Electric Code;

(3) A conductor that meets IEEE Std. 45;

(4) A conductor listed for marine use by an independent testing laboratory which provides listing, labeling, and follow-up service; or

(5) A conductor that meets the mechanical water absorption and flame retardant standards of UL Standard 83.

(b) Where the nominal circuit voltage of each of three or more current carrying conductors in a duct, bundle, or cable is 50 volts or more, the amperages of each of those conductors must not exceed the value in table 5 multiplied by the correction factor in note 2 to Table 5 for the number of conductors that carry 50 volts or more.

(c) This section does not apply to communication systems; electronic navigation equipment; resistance conductors that control circuit amperage; conductors in secondary circuits of ignition systems; and pigtails of less than seven inches of exposed length.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977; 42 FR 24739, May 16, 1977]

### § 183.440 Secondary circuits of ignition systems.

(a) Each conductor in a secondary circuit of an ignition system must meet SAE Standard J557.

(b) The connection of each ignition conductor to a spark plug, coil, or distributor must have a tight fitting cap, boots, or nipple.

### § 183.445 Conductors: Support and protection.

(a) Except for the first 36 inches of a conductor leading from a battery terminal, each conductor or group of conductors must be supported by clamps or straps not more than 18 inches apart unless the conductor or group of conductors is enclosed in a rigid duct or conduit. The clamps, straps, ducts, or conduits must be designed to prevent chafing or damage to the conductor insulation.

(b) If a conductor or group of conductors is connected between two components that can move in relation to each other, each conductor or group of conductors must have a loop, slack, or other strain relief.

(c) Each conductor or group of conductors that passes through a bulkhead, structural member, junction box, or other rigid surface must be protected from abrasion.

(d) This section does not apply to communications systems; electronic navigation equipment; and high voltage secondary conductors and termination in the ignition system.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.450 Conductors: Termination.

(a) Each connection to a screw terminal or stud that is outside of a junction box or enclosure must be connected by a closed ring connector, eyelet connector, captive spade connector, mechanical locking connector, or spring locking connector.

(b) Each stripped conductor connected to a compression screw terminal that is outside a junction box or enclosure must be secured mechanically to provide strain relief for the stripped conductor connection.

(c) Each single friction connector, spring type connector, and multi-connector plug that is outside of a junction box or enclosure must not separate if subjected to a six pound tensile force along the axial direction of the connector for one minute.

(d) A soldered connection that is outside a junction box or enclosure must not be the sole means of connection between two or more conductors or between a conductor and a connector, except a conductor may be soldered to a connector that joins the conductor to a battery terminal or stud, if the length of the soldered joint is at least 1.5 times the diameter of the stranded portion of the battery conductor.

(e) Each connection that is outside of a junction box or enclosure and that is used to join conductors to each other or that is used to join a conductor to a connector must not break when subjected for 1 minute to a tensile force shown in Table 6 for the smallest conductor size in the connection.

(f) Each ungrounded terminal or stud that is continuously energized must meet § 183.455 or must have a boot, nipple, cap, cover, or shield that prevents accidental short-circuiting at the terminals or studs.

(g) Each termination composed of an ungrounded current carrying conductor, terminal fitting, and connector must be protected from accidental short circuiting with—

(1) Another termination from another circuit composed of an ungrounded current carrying conductor, terminal fitting, and connector; or

(2) Any metal that is grounded.

(h) A conductor must not be joined to another conductor by a wire nut or wire screw.

(i) This section does not apply to communication systems and electronic navigation equipment.

Table 6.—Tensile Test Values for Conductor Splices

(CONDUCTOR-CONDUCTOR AND CONDUCTOR-CONNECTOR JOINTS)

| Wire size (AWG) | *Tensile force pounds* |
|---|---|
| 18 | 10 |
| 16 | 15 |
| 14 | 30 |
| 12 | 35 |
| 10 | 40 |
| 8 | 45 |
| 6 | 50 |
| 5 | 60 |
| 4 | 70 |
| 3 | 80 |
| 2 | 90 |
| 1 | 100 |
| 0 | 125 |
| 00 | 150 |
| 000 | 175 |
| 0000 | 225 |

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.455 Overcurrent protection: General.

(a) Each ungrounded current-carrying conductor must be protected by a manually reset, tripfree circuit breaker or fuse.

(b) A manually reset, trip-free circuit breaker or fuse must be placed at the source of power for each circuit or conductor except:

(1) If it is physically impractical to place the circuit breaker or fuse at the source of power, it may be placed within seven inches of the source of power for each circuit or conductor measured along the conductor.

(2) If it is physically impractical to place the circuit breaker or fuse at or within seven inches of the source of power, it may be placed within 40 inches of the source of power for each circuit or conductor, measured along the conductor, if the conductor is contained throughout its entire distance between the source of power and the required circuit breaker or fuse in a sheath or enclosure such as a junction box, control box, or enclosed panel.

(c) The current rating of each circuit breaker or fuse must not exceed—

(1) For circuits of less than 50 volts, 150% of the value of the amperage in Table 5 for the conductor size it is protecting; and

(2) For circuits of 50 volts or more, the value of the amperage in Table 5 for the conductor size it is protecting. If this value does not correspond to a standard size or rated circuit breaker or fuse the next larger size or rated circuit breaker or fuse may be used if it does not exceed 150% of the allowed current capacity of the conductor.

(d) The voltage rating of each circuit breaker or fuse must not be less than the nominal circuit voltage of the circuit it is protecting.

(e) This section does not apply to resistance conductors that control circuit amperage; conductors in secondary circuits of ignition systems; pigtails of less than seven inches of exposed length; and power supply conductors in cranking motor circuits.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 78-090, 44 FR 68466, Nov. 29, 1979]

### § 183.460 Overcurrent protection: Special applications.

(a) Each ungrounded supply conductor from a storage battery must have a manually reset, tripfree circuit breaker or fuse, unless the supply conductor is in the main power feed circuit from the battery to an engine cranking motor. The circuit breaker or fuse must be within 72 inches of the battery measured along the conductor, unless the circuit has a switch that disconnects the battery.

(b) Each ungrounded output conductor from an alternator or generator, except for self-limiting alternators or generators, must have a circuit breaker or fuse that has a current rating that does not exceed 120 percent of the maximum rated current of the alternator or generator at 60° C.

## Subpart J—Fuel Systems

AUTHORITY: 46 U.S.C. 1454; 49 CFR 1.46 (n)(1).

SOURCE: CGD 74-209, 42 FR 5950, Jan. 31, 1977, unless otherwise noted.

### GENERAL

### § 183.501 Applicability.

(a) This subpart applies to all boats that have gasoline engines, except outboard engines, for electrical generation or mechanical power for propulsion.

(b) The sections in this subpart are effective on the following dates:

AUGUST 1, 1978

183.512
183.516
183.524 (a) and (b)
183.540
183.552
183.558

FEBRUARY 1, 1979

183.524(c)
183.526

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 78-036, 43 FR 36440, Aug. 17, 1978]

### § 183.505 Definitions.

As used in this subpart—

"ASTM" means American Society for Testing and Materials. ASTM standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., S.W., Washington, D.C. 20593 and may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Flame arrestor" means a device or assembly that prevents passage of flame through a fuel vent.

"Fuel system" means the entire assembly of the fuel fill, vent, tank, and distribution components, including pumps, valves, strainers, carburetors, and filters.

"Military Specification" means a specification developed by the U.S. Armed Forces. Military Specifications in this subpart may be examined at Coast Guard Headquarters, room 4314, Transpoint Building, 2100 2nd St., S.W., Washington, D.C. 20593 and may be obtained from the Commander, Naval Ship Engineering Center, DOD Standardization Program & Documents Branch, Hyattsville, Maryland 20782.

"SAE" means Society of Automotive Engineers, Inc. SAE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., S.W. Washington, D.C. 20593 and may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Dr., Warrendale, PA 15096.

"Static floating position" means the attitude in which a boat floats in calm water, with each fuel tank filled to its rated capacity, but with no person or item of portable equipment on board.

"UL" means Underwriters' Laboratories, Inc. UL standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Transpoint Building, 2100 2nd St., S.W., Washington, D.C. 20593 and may be obtained from Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611.

"USCG Type A Hose" means hose that meets the performance requirements of—

(1) SAE Standard J30C and the requirements of § 183.590; or

(2) UL Standard 1114.

"USCG Type B Hose" means hose that meets the performance requirements of SAE Standard J30C.

### § 183.507 General.

Each fuel system component on a boat to which this subpart applies must meet the requirements of this subpart unless the component is part of an outboard engine or is part of portable equipment.

### EQUIPMENT STANDARDS

### § 183.510 Fuel tanks.

(a) Each fuel tank in a boat must have been tested by its manufacturer under § 183.580 and not leak.

(b) Each fuel tank must not leak if subjected to the fire test under § 183.590. Leakage is determined by the static pressure test under § 183.580, except that the test pressure must be at least one-fourth PSIG.

(c) Each fuel tank of less than 25 gallons capacity must not leak if tested under § 183.584.

(d) Each fuel tank with a capacity of 25 to 99 gallons must not leak if tested under § 183.586.

(e) Each fuel tank of 100 gallons capacity or more must not leak if tested under §§ 183.586 and 183.588.

### § 183.512 Fuel tanks: Prohibited materials.

(a) A fuel tank must not be constructed from terneplate.

(b) Unless it has an inorganic sacrificial galvanic coating on the inside and outside of the tank, a fuel tank must not be constructed from black iron or carbon steel.

(c) A fuel tank encased in cellular plastic or in fiber reinforced plastic must not be constructed from a ferrous alloy.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977; 42 FR 24739, May 16, 1977]

### § 183.514 Fuel tanks: Labels.

(a) Each fuel tank must have a label that meets the requirements of paragraphs (b) through (d) of this section.

(b) Each label required by paragragh (a) of this section must contain the following information:

(1) Fuel tank manufacturer's name (or logo) and address.

(2) Month (or lot number) and year of manufacture.

(3) Capacity in U.S. gallons.

(4) Material of construction.

(5) The pressure the tank is designed to withstand without leaking.

(6) Model number, if applicable.

(7) The statement, "This tank has been tested under 33 CFR 183.580."

(8) If the tank is tested under § 183.584 at less than 25g vertical accelerations the statement, "Must be installed aft of the boat's half length."

(c) Each letter and each number on a label must—

(1) Be at least 1/16 inch high and

(2) Contrast with the basic color of the label or be embossed on the label.

(d) Each label must—

(1) Withstand the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and

(2) Resist efforts to remove or alter the information on the label without leaving some obvious sign of such efforts.

### § 183.516 Cellular plastic used to encase fuel tanks.

(a) Cellular plastic used to encase metallic fuel tanks must—

(1) Not change volume by more than five percent or dissolve after being immersed in any of the following liquids for 24 hours at 29° C:

(i) Reference fuel B ASTM D-471.

(ii) No. 2 reference oil of ASTM D-471.

(iii) Five percent solution of trisodium phosphate in water; and

(2) Not absorb more than 0.12 pound of water per square foot of cut surface, measure under Military Specification MIL P-21929B.

(b) Non-polyurethane cellular plastic used to encase metallic fuel tanks must have a compressive strength of at least 60 pounds per square inch at ten percent deflection measured under ASTM D-1621, "Compressive Strength of Rigid Cellular Plastics".

(c) Polyurethane cellular plastic used to encase metallic fuel tanks must have a density of at least 3.2 pounds per cubic foot, measured under ASTM D-1622, "Apparent Density of Rigid Cellular Plastics".

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.518 Fuel tank opening.

Each opening into the fuel tank must be at or above the topmost surface of the tank.

### § 183.520 Fuel tank vent systems.

(a) Each fuel tank must have a vent system that prevents pressure in the tank from exceeding 80 percent of the pressure marked on the tank label under § 183.514(b)(5).

(b) Each vent must—

(1) Have a flame arrester that can be cleaned unless the vent is itself a flame arrestor; and

(2) Not allow a fuel overflow at the rate of up to two gallons per minute to enter the boat.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.522 Fuel tank fill systems.

Fuel must not blow back through the fuel fitting when a tank is—

(a) Between one-fourth and three-fourths full; and

(b) Refueled at a rate of at least nine gallons per minute.

### § 183.524 Fuel pumps.

(a) Each diaphragm pump must not leak fuel from the pump if the primary diaphragm fails.

(b) Each electrically operated fuel pump must not operate except when the engine is operating or when the engine is started.

(c) If tested under § 183.590, each fuel pump, as installed in the boat, must not leak more than five ounces of fuel in 2½ minutes, inclusive of leaks from fuel line, fuel filter and strainer.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.526 Carburetors.

(a) [Reserved]

(b) Each carburetor must not leak more than five cubic centimeters of fuel in 30 seconds when—

(1) The float valve is open;

(2) The carburetor is at half throttle; and

(3) The engine is cranked without starting; or

(4) The fuel pump is delivering the maximum pressure specified by its manufacturer.

(c) Each updraft and horizontal draft carburetor must have a device that—

(1) Collects and holds fuel that flows out of the carburetor venturi section toward the air intake;

(2) Prevents collected fuel from being carried out of the carburetor assembly by the shock wave of a backfire or by reverse air flow; and

(3) Returns collected fuel to the engine induction system after the engine starts.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.528 Fuel stop valves.

(a) Each electrically operated fuel stop valve in a fuel line between the fuel tank and the engine must—

(1) Open electrically only when the ignition switch is on; and

(2) Operate manually.

(b) If tested under § 183.590, a fuel stop valve must not leak fuel.

### § 183.530 Spud, pipe, and hose fitting configuration.

Except when used for a tank fill line, each spud, pipe, or hose fitting used with hose clamps must have—

(a) A bead;

(b) A flare; or

(c) A series of annular grooves or serations no less than 0.015 inches deep, except a continous helical thread, knurl, or groove.

### § 183.532 Clips, straps, and hose clamps.

(a) Each clip, strap, and hose clamp must—

(1) Be made from a corrosion resistant material; and

(2) Not cut or abrade the fuel line.

(b) When tested under § 183.590, a clip, strap, or hose clamp must not separate under a one pound tensile force.

(c) The minimum nominal band width of a hose clamp is determined under Table 7 by the outside diameter of the hose.

TABLE 7

| *Outside hose diameter (inches)* | *Minimum nominal clamp band width (inches)* |
|---|---|
| Less than 7/16 | 1/4 |
| 7/16 to 9/16 | 5/16 |
| Greater than 13/16 | 1/2 |

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.534 Fuel filters and strainers.

If tested under § 183.590, each fuel filter and strainer, as installed in the boat, must not leak more than five ounces of fuel in 2½ minutes inclusive of leaks from the fuel pump and fuel line.

[CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.536 Seals and gaskets in fuel filters and strainers.

(a) Each gasket and seal used in a fuel filter and strainer must form a unsplit ring.

(b) Each gasket and each sealed joint in a fuel filter and strainer must not leak when subjected for 24 hours to a gasoline that has at least a 50 percent aromatic content at the test pressure determined under § 183.582(a).

### § 183.538 Metallic fuel line materials.

Each metallic fuel line connecting the fuel tank with the fuel inlet connection on the engine must—

(a) Be made of seamless annealed copper, nickel copper, or copper-nickel; and

(b) Except for corrugated flexible fuel line, have a minimum wall thickness of 0.029 inches.

### § 183.540 Hoses: Identification.

(a) Each "USCG Type A" hose and each "USCG Type B" hose must be identified by the manufacturer by a marking on the hose itself. If the complete text of the marking is not on a section of hose, the boat manufacturer must attach a tag that meets the requirements of paragraph (b) and (c) of this section.

(b) Each marking and tag must contain the following information in English:

(1) The statement "USCG TYPE (insert A or B) HOSE."

(2) The year in which the hose was manufactured.

(3) The manufacturer's name or registered trademark.

(c) Each character must be block capital letters and numerals that are at least one-eight inch high.

(d) Each marking must be permanent, legible, and on the outside of the hose at intervals of 12 inches or less.

### § 183.542 Fuel systems.

Each fuel sustem in a boat must have been tested under § 183.582 by the boat manufacturer and not leak.

## MANUFACTURER REQUIREMENTS

### § 183.550 Fuel tanks: Installation.

(a) Each fuel tank must not be integral with any boat structure or mounted on an engine.

(b) Each fuel tank must not move at the mounting surface more than one-fourth inch in any direction.

(c) Each fuel tank must not support a deck, bulkhead, or other structural component.

(d) Water must drain from the surface of each metallic fuel tank when the boat is in its static floating position.

(e) Each fuel tank support, chock, or strap that is not integral with a metallic fuel tank must be insulated from the tank surface by a nonmoisture absorbing material.

(f) Cellular plastic must not be the sole support for a metallic fuel tank.

(g) If cellular plastic is the sole support of a non-metallic fuel tank, the cellular plastic must meet the requirements of § 183.516 (b) or (c).

(h) Each fuel tank labled under § 183.514(b)(8) for installation aft of the boat's half length must be installed with its center of gravity aft of the boat's half length.

### § 183.552 Plastic encased fuel tanks: Installation.

(a) Each fuel tank encased in cellular plastic foam or in fiber reinforced plastic must have the connections, fittings, and labels accessible for inspection and maintenance.

(b) If a metallic fuel tank is encased in cellular plastic or in fiber reinforced plastic, water must not collect between the plastic and the surface of the tank or be held against the tank by capillary action.

(c) If the plastic is bonded to the surface of a metallic fuel tank, the adhesive strength of the metal to the plastic bond must exceed the cohesive strength of the plastic.

### § 183.554 Fittings, joints, and connections.

Each fuel system fitting, joint, and connection must be arranged so that it can be reached for inspection, removal, or maintenance without removal of permanent boat structure.

### § 183.556 Plugs and fittings.

(a) A fuel system must not have a fitting for draining fuel.

(b) A plug used to service the fuel filter or strainer must have a tapered pipethread or be a screw type fitted with a locking device other than a split lock washer.

### § 183.558 Hoses and connections.

(a) Each hose between the fuel pump and the carburetor must be "USCG Type A" hose.

(b) Each hose used for a vent line or fill line and each hose from the fuel tank to the fuel inlet connection on the engine must be—

(1) "USCG Type A" hose; or

(2) "USCG Type A" or USCG Type B" hose, if no more than five ounces of fuel is discharged in 2½ minutes when—

(i) The hose is severed at the point where maximum drainage of fuel would occur,

(ii) The boat is in its static floating position, and

(iii) The fuel system is filled to the capacity marked on the tank label under § 183.514(b)(3).

(c) Each hose must be secured by—

(1) A swaged sleeve;

(2) A sleeve and threaded insert; or

(3) A hose clamp.

(d) The inside diameter of a hose must not exceed the actual minor outside diameter of the connecting spud, pipe, or fitting by more than the distance shown in Table 8.

TABLE 8

| If minor outside diameter of the connecting spud, pipe, or fitting is— | The inside diameter of the hose must not exceed the minor outside diameter of the connecting spud, pipe, or hose fitting by more than the following distance: |
|---|---|
| Less than ⅜ in. | 0.020 in. |
| ⅜ in. to 1 in. | 0.035 in. |
| Greater than 1 in. | 0.065 in. |

[CGD 74-209, 42 FR 5950, Jan. 31, 1977; 42 FR 24739, May 16, 1977]

### § 183.560 Hose clamps: Installation.

Each hose clamp on a hose from the fuel tank to the fuel inlet connection on the engine, a hose between the fuel pump and the carburetor, or a vent line must—

(a) Be used with hose designed for clamps;

(b) Be at least one clamp width from the hose end;

(c) Be beyond the bead, flare, or over the serrations of the mating spud, pipe, or hose fitting; and

(d) Not depend solely on the spring tension of the clamp for compressive force.

### § 183.562 Metallic fuel lines.

(a) Each metallic fuel line that is mounted to the boat structure must be connected to the engine by a flexible fuel line.

(b) Each metallic fuel line must be attached to the boat's structure within four inches of its connection to a flexible fuel line.

### § 183.564 Fuel tank fill system.

(a) Each fuel fill opening must be located so that a gasoline overflow of up to five gallons per minute for at least five seconds will not enter the boat when the boat is in its static floating position.

(b) Each hose in the tank fill system must be secured to a pipe, spud, or hose fitting by—

(1) A swaged sleeve;

(2) A sleeve and threaded insert; or

(3) Two adjacent metallic hose clamps that do not depend solely on the spring tension of the clamps for compressive force.

(c) Each hose clamp in the tank fill system must be used with a hose designed for clamps.

(d) Hose clamps used in the tank fill system must—

(1) Have a minimum nominal band width of at least one-half inch; and

(2) Be over the hose and the spud, pipe, or hose fitting and not less than one-half inch from the end of the hose.

### § 183.566 Fuel pumps: Placement.

Each fuel pump must be on the engine it serves or within 12 inches of the engine, unless it is a fuel pump used to transfer fuel between tanks.

### § 183.568 Anti-siphon protection.

Each fuel line from the fuel tank to the fuel inlet connection on the carburetor must—

(a) Be above the level of the tank top; or

(b) Have an anti-siphon device or an electrically operated fuel stop valve—

(1) At the tank withdrawal fitting; or

(2) Installed so the line from the fuel tank is above the top of the tank.

### § 183.570 Fuel filters and strainers: Installation.

Each fuel filter and strainer must be supported on the engine or boat structure independent from its fuel line connections, unless the fuel filter or strainer is inside a fuel tank.

### § 183.572 Grounding.

Each metallic component of the fuel fill system and fuel tank which is in contact with fuel must be statically grounded so that the resistance between the ground and each metallic component of the fuel fill system and fuel tank is less than 100 ohms.

## TESTS

### § 183.580 Static pressure test for fuel tanks.

A fuel tank is tested by performing the following procedures in the following order:

(a) Fill the tank with air or inert gas to the pressure marked on the tank label under § 183.514(b)(5). The pressure is measured by a calibrated pressure gauge with a pressure range not exceeding three times the test pressure required by this paragraph or by a manometer.

(b) Examine each tank fitting and seam for leaks using a leak detection method other than the pressure drop method.

### § 183.582 Static pressure test for fuel systems.

A fuel system is tested by performing the following procedures in the following order:

(a) Fill the portion of the system that is between the fuel line connection at the engine fuel inlet and the fill and vent fitting on the boat with air or inert gas to the greater of the following pressures:

(1) Three PSIG.

(2) One and one-half times the pressure created at the lowest point in the fuel system when the fill or vent line, whichever is lower in height, is filled to its top with fuel.

(b) Read the pressure. The pressure is measured by a calibrated pressure gauge with a pressure range not exceeding three times the test pressure required by this paragraph or by a manometer.

(c) Wait at least five minutes and thereafter wait one additional minute for each 10 gallon increment, or fraction thereof, in the tank's capacity greater than 50 gallons.

(d) Read the pressure in accordance with paragraph (b) of this section. A pressure drop measured at the end of the time required by paragraph (c) of this section is due to leakage.

(e) If no pressure drop is measured by the manometer or pressure gauge, then while the system remains pressurized, examine each fuel fitting, joint, and connection except each connection at fill and vent fittings for leaks, using a leak detection method other than the pressure drop method.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

### § 183.584 Shock test.

A fuel is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) If the tank is non-metallic, fill it to capacity with a gasoline that has at least a 50 percent aromatic content. Keep the fuel in the tank at 21° C or higher for 30 days prior to testing.

(c) Mount the tank to the platform of an impact test machine.

(d) Fill the tank to capacity with water.

(e) Apply one of the following accelerations within three inches of the center of the horizontal mounting surface of the tank. The duration of each vertical acceleration pulse is measured at the base of the shock envelope.

(1) If the tank is not labeled under § 183.514(b)(8) for installation aft of the half length of the boat, apply 1000 cycles of 25g vertical accelerations at a rate of 80 cycles or less per minute.

The duration of the acceleration pulse must be between 6 and 14 milliseconds.

(2) If the tank is manufactured for installation with its center of gravity aft of the half length of the boat, apply 1000 cycles of 15g vertical accelerations at a rate of 80 cycles or less per minute. The duration of the shock pulse must be between 6 and 14 milliseconds.

(f) Perform the static pressure test under § 183.580.

### § 183.586 Pressure impulse test.

A fuel tank is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) If the tank is non-metallic, fill it to capacity with a gasoline that has at least a 50 percent aromatic content. Keep the fuel in the tank at 21° C or higher for 30 days prior to testing.

(c) Mount the tank on a test platform.

(d) Fill the tank to capacity with water.

(e) Cap and seal each opening in the tank.

(f) Apply 25,000 cycles of pressure impulse at the rate of no more than 15 impulses per minute varying from zero to three PSIG to zero inside the tank top from a regulated source of air, inert gas, or water.

(g) Perform the static pressure test under § 183.580.

### § 183.588 Slosh test.

A fuel tank is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) Perform the pressure impulse test under § 183.586.

(c) Secure the tank to the platform of a tank rocker assembly.

(d) Fill the tank to one-half capacity with water.

(e) Cap and seal each opening in the tank.

(f) Apply 500,000 cycles or rocking motion 15 degree to each side of the tank centerline at the rate of 15 to 20 cycles a minute. The axis of rotation of the rocker and fuel tank must be perpendicular to the centerline of the tank length at a level six inches or less above or below the tank's bottom.

(g) Perform the static pressure test under § 183.580.

### § 183.590 Fire test.

(a) A piece of equipment is tested under the following conditions and procedures:

(1) Fuel stop valves, "USCG Type A" hoses, clips, straps, and hose clamps are tested in a fire chamber.

(2) Fuel filters, strainers, and pumps are tested in a fire chamber or as installed on the engine in the boat.

(3) Fuel tanks must be tested filled with fuel to one-fourth the capacity marked on the tank in a fire chamber or in an actual or simulated hull section.

(b) Each fire test is conducted with free burning heptane and the component must be subjected to a flame for 2½ minutes.

(c) If the component is tested in a fire chamber—

(1) The temperature within one inch of the component must be at least 648° C sometime during the 2½ minute test;

(2) The surface of the heptane must be 8 to 10 inches below the component being tested; and

(3) The heptane must be in a container that is large enough to permit the perimeter of the top surface of the heptane to extend beyond the vertical projection of the perimeter of the component being tested.

(d) If the component is being tested as installed on an engine, heptane sufficient to burn 2½ minutes must be poured over the component and allowed to run into a flat bottomed pan under the engine. The pan must be large enough to permit the perimeter of the top surface of the heptane to extend beyond the vertical projection of the perimeter of the engine.

(e) If a fuel tank is being tested in an actual or simulated hull section, the actual or simulated hull section must be of sufficient size to contain enough heptane to burn for 2½ minutes in a place adjacent to the tank.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

## Subpart K—Ventilation

AUTHORITY: 46 U.S.C. 1454, 1455, 49 CFR 1.46(n)(1).

SOURCE: CGD 76-082, 44 FR 73027, Dec. 17, 1979, unless otherwise noted.

EFFECTIVE DATE NOTE: Subpart K becomes effective Aug. 1, 1980.

### § 183.601 Applicability.

This subpart applies to all boats that—

(a) Have gasoline engines for electrical generation, mechanical power, or propulsion; and

(b) Are built after July 31, 1980, except that a manufacturer may elect to comply with this subpart at any time after July 31, 1978.

### § 183.605 Definitions.

As used in this subpart—

"AMCA" means Air Moving and Conditioning Association.

"ASTM" means American Society for Testing and Materials.

"Fuel" means gasoline.

"Open to the atmosphere" means a compartment that has at least 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.

"UL" means Underwriters Laboratories, Inc.

### § 183.607 Incorporation by reference.

(a) The following standards are incorporated by reference. Copies may be obtained from the sources indicated. They are also available for inspection at Coast Guard Headquarters, Room 4220, 2100 Second Street, SW., Washington, D.C. 20593 and at the Office of the Federal Register Library, Room 8401, 1100 L Street, NW., Washington, D.C. 20408.

(1) AMCA Standard 210-74, Figure 12. Air Moving and Conditioning Association, 30 West University Drive, Arlington Heights, Illinois 60004.

(2) ASTM Standard D-471. American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(3) UL Standard 1128. Underwriters Laboratories, Incorporated, 207 Ohio Street, Chicago, Illinois 60611.

(b) The Director of the Federal Register approved the incorporation by reference in paragraph (a)(2) on September 26, 1976 and the incorporations in paragraphs (a) (1) and (3) on March 24, 1978.

### § 183.610 Powered ventilation system

(a) Each compartment in a boat that has a permanently installed gasoline engine with a cranking motor must—

(1) Be open to the atmosphere, or

(2) Be ventilated by an exhaust blower system.

(b) Each exhaust blower or combination of blowers must be rated at an air flow capacity not less than that computed by the formulas given in Table 183.610, Column 2. Blower rating must be determined according to AMCA Standard 210-74, Figure 12, or UL Standard 1128.

TABLE 183.610

| Col. 1 [1] | Col. 2 [2] | Col. 3 [3] |
|---|---|---|
| Below 34 | Fr = 50 | Fo = 20 |
| 34 to 100 | Fr = 1.5V | Fo = 0.6V |
| Over 100 | Fr = V/2 + 100 | Fo = 0.2V + 40 |

[1] Net compartment volume of engine compartment and compartments open thereto (V) cubic feet.

[2] Rated blower capacity (Fr) cubic feet per minute.

[3] Blower system output (Fo) cubic feet per minute.

(c) Each exhaust blower system required by paragraph (a)(2) of this section must exhaust air from the boat at a rate which meets the requirements of Table 183.610, Column 3 when the engine is not operating.

(d) Each intake duct for an exhaust blower must be in the lower one-third of the compartment and above the normal level of accumulated bilge water.

(e) More than one exhaust blower may be used in combination to meet the requirements of this section.

(f) Each boat that is required to have an exhaust blower must have a label that—

(1) Is located as close as practicable to each ignition switch;

(2) Is in plain view of the operator; and

(3) Has at least the following information:

WARNING—GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR 4 MINUTES

AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS.

### § 183.620 Natural ventilation system.

(a) Except for compartments open to the atmosphere, a natural ventilation system that meets the requirements of § 183.630 must be provided for each compartment in a boat that—

(1) Contains a permanently installed gasoline engine;

(2) Has openings between it and a compartment that requires ventilation, where the aggregate area of those openings exceeds 2 percent of the area between the compartments, except as provided in paragraph (c) of this section;

(3) Contains a permanently installed fuel tank and an electrical component that is not ignition protected in accordance with § 183.410(a);

(4) Contains a fuel tank that vents into that compartment; or

(5) Contains a non-metallic fuel tank with an aggregate permeability rate of more than the greater of 1.2 grams of fuel loss in 24 hours, or 1.2 grams of fuel loss in 24 hours per cubic foot of net compartment volume. Reference fuel "C" at 40°C plus or minus 2°C from ASTM Standard D-471, is to be used in determining the permeability rate.

(b) Each natural ventilation system must be constructed so that—

(1) Each supply opening required in § 183.630 is forward facing and located on the exterior surface of a boat; or

(2) Air will flow into or out of the supply or exhaust openings required in § 183.630 when the boat is in a wind flowing from bow to stern at a velocity of 10 miles per hour when the engine is not operating.

(c) An accommodation compartment above a compartment requiring ventilation that is separated from the compartment requiring ventilation by a deck or other structure is excepted from paragraph (a)(2) of this section.

### § 183.630 Standards for natural ventilation.

(a) For the purpose of § 183.620, "natural ventilation" means an airflow in a compartment in a boat achieved by having—

(1) A supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere; and

(2) An exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere.

(b) Each exhaust opening or exhaust duct must originate in the lower third of the compartment.

(c) Each supply opening or supply duct and each exhaust opening or exhaust duct in a compartment must be above the normal accumulation of bilge water.

(d) Except as provided in paragraph (e) of this section, supply openings or supply ducts and exhaust openings or exhaust ducts must each have a minimum aggregate internal cross-sectional area calculated as follows:

$A = 5 \ln (V/5)$;

where:

(1) $A$ is the minimum aggregate internal cross-sectional area of the openings or ducts in square inches;

(2) $V$ is the net compartment volume in cubic feet, including the net volume of other compartments connected by openings that exceed 2 percent of the area between the compartments; and

(3) $\ln (V/5)$ is the natural logarithm of the quantity $(V/5)$.

(e) The minimum internal cross-sectional area of each supply opening or duct and exhaust opening or duct must exceed 3.0 square inches.

(f) The minimum internal cross-sectional area of terminal fittings for flexible ventilation ducts installed to meet the requirements of paragraph (d) of this section must not be less than 80 percent of the required internal cross-sectional area of the flexible ventilation duct.

[CGD 76-082, 44 FR 73027, Dec. 17, 1979; 45 FR 7544, Feb. 4, 1980]

## PARTS 184—199—[RESERVED]

# FINDING AIDS

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A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the subject index volume to the Code of Federal Regulations which is published separately and revised semiannually (January 1 and July 1).

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**The Director of the Federal Register approves the following incorporations by reference for one year effective July 1, 1980, unless otherwise noted (5 U.S.C. 552(a) and 1 CFR Part 51). For more information on incorporation by reference, see the preliminary pages of this volume.**

### 33 CFR Chapter I—Coast Guard, Department of Transportaion

[All the materials listed on this table are also on file at: Coast Guard Headquarters, Room 4407, Transport Building, 2100 Second Street SW., Washington, D.C. 20593]

| | 33 CFR |
|---|---|
| Air Moving and Conditioning Association (AMCA), 30 West University Drive, Arlington Heights, IL 60004. | |
| 210-74 Laboratory Methods of Testing Fans for Ratings, 1974 | 183.610 |
| American Bureau of Shipping, 65 Broadway, New York, NY 10006. | |
| Rules for Building and Classing Single Point Moorings, 1975 | 150.405; 149.209 |
| American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018. | |
| A12.1 Safety Requirements for Floor and Wall Openings, Railings and Toeboards, 1973 | 149.441 |
| B16.5 Steel Pipe Flanges and Flange Fittings, 1977 | 154.500; 155.350; Part 155, Appendix A |
| B16.24 Brass or Bronze Pipe Flanges, 1971 | 154.500 |
| B16.31 Nonferrous Pipe Flanges, 1971 | 154.500; 155.350 |
| B31.3 Chemical Plant and Petroleum Refinery Piping, 1976 (with 1978 addenda B31.3a) | 154.510 |
| B31.4 Liquid Petroleum Transportation Piping Systems, 1974 (with 1979 addenda B31.4a) | 149.205 |
| Z41.1 Requirements for Men's Safety-toe Footwear, 1972 (Contained in 1976 edition) | 150.509 |
| Z87.1 Practice for Occupational and Educational Eye and Face Protection, 1979 | 149.517*; 150.509 |
| * Replaces Z2.1, Fireman's Helmets | |
| Z89.1 Safety Requirements for Industrial Head Protection, 1969 | 150.509 |
| American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103. | |
| E-11-70 Wire Cloth Sieves for Testing Purposes, 1977 | 159.125 |
| D-471 Rubber Property—Effect of Liquids, 1979 | 183.114; 183.516; 183.607; 183.620 |
| D-1621 Compressive Properties of Rigid Cellular Plastics, 1973 | 183.516 |
| D-1622 Apparent Density of Rigid Cellular Plastics, 1963 (Reapproved, 1975) | 183.516 |
| D-2842 Water Absorption of Rigid Cellular Plastics, 1969 (Reapproved, 1975) | 183.114 |
| Illumination Engineering Society, 345 East 47th Street, New York, NY 10017. | |
| Lighting Handbook, 5th Edition, 1972, p. 3-36 | 149.703 |
| Inter-governmental Maritime Consultative Organization, IMCO Sales, New York Nautical Instrument and Service Corp., 140 West Broadway, New York, NY 10013. | |
| Resolution A.378(x) as amended by Assembly Resolution A.428(xi) of November 15, 1979. (This section replaces IMCO Assembly Resolution A.284(viii) of November 20, 1973.) | 150.305 |
| International Chamber of Shipping, 30-32 St. Mary's Axe, London UK ED3A8ET. | |
| Clean Seas Guide for Oil Tankers, 1973 | 157.23 |
| International Commission on Illumination (CIE). | |
| Standard Observer Diagram, 1931 (1964 Suppl.) (Above material reproduced in Lighting Handbook, 5th edition, 1972, on pp. 5-3 and 5-5, available from Illumination Engineering Society, 345 East 47th St., New York, NY 10017.) | 149.727 |
| National Fire Protection Association (NFPA), 470 Atlantic Ave., Boston, MA 02210. | |
| 11A High Expansion Foam Systems, 1976 | 149.481 |
| 12 Carbon Dioxide Extinguishing Systems, 1977 | 149.481 |
| 12A Halogenated Fire Extinguishing Agent Systems—Halon 1301, 1977 | 149.481 |
| 13 Installation of Sprinkler Systems, 1978 | 149.481 |
| 70 National Electrical Code, 1979 | 183.435 |
| 72A Installation, Maintenance, and Use of Local Protective Signaling Systems, 1975 | 149.541 |
| 407 Fueling at Rooftop Heliports, 1975 Chapter 6 | 149.213 |
| Naval Publications Forms Center, Customer Service—Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120 | |
| MILSPEC ZZ-H-451 Woven Hose, Rubber or Cambric-lined, with Couplings, 1978 | 149.469 |

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| MILSPEC MIL-C-25050, Color, Aeronautical Lights & Lighting Equipment, 1963 (with 1971 amendment) | 67.30-5(a) |
| MILSPEC P-21929B Plastic Material, Cellular Polyurethane, Foam-in-Place, Rigid, 1970 | 183.505, 183.516 |
| Radio Technical Commission for Marine Services (RTCM), P.O. Box 19087, Washington, DC 20036 | |
| Paper 12-78/DO-100 Minimum Performance Standards (MPS), Loran C Receiving Equipment, 1977 | 164.41 |
| Society of Automotive Engineers, Inc. (SAE), 400 Commonwealth Drive, Warrendale, PA 15096 | |
| J30 Fuel and Oil Hoses, 1977 | 183.505 |
| J378 Marine Engine Wiring, 1978 | 183.430 |
| J557 High Tension Ignition Cable, 1968 | 183.440 |
| J1127 Battery Cable, 1975 | 183.430 |
| J1128 Low Tension Primary Cable, 1975 | 183.430 |
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| 19 Woven Jacketed, Rubber-lined Firehose, 1978 (with September, 1979 version.) | 149.469 |
| 83 Standard for Thermoplastic Insulated Wires, 1979 | 183.435 |
| 1128 Marine Blowers, 1977 | 183.610 |
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| *Note: Will be replaced by 1979 version when necessary rulemaking complete. | |

[45 FR 44090, June 30, 1980; 45 FR 47111, July 14, 1980]

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# Redesignation Table

**Certain functions, powers, and duties of the Corps of Engineers, formerly codified in Chapter II of Title 33, were transferred to the Coast Guard, Department of Transportation, at 32 FR 17727, Dec. 12, 1967, pursuant to the Department of Transportation Act. The following table lists the pertinent changes in this volume:**

| Subchapter designations | New part No. | Former designation | Title | Comments |
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| I |  |  | Anchorages | New subchapter. |
| I | 109 |  | General | Purpose and certain procedures. |
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| J |  |  | Bridges | New subchapter. |
| J | 114 |  | General | Purpose, definitions, authority added. |
| J | 115 | 209.120 | Bridge locations and clearances; administrative procedures. | Procedures for obtaining permits, etc., revised. |
| J | 116 | 209.180 | Alteration of obstructive bridges. | Requirements and procedures. |
| J | 117 | 203 | Drawbridge operation regulations. | Editorial changes. |

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# List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations which were made by documents published in the FEDERAL REGISTER since January 1, 1964, are enumerated in the following list. Entries indicate the nature of the changes affected. Page numbers refer to Federal Register pages. The user should consult the entries for chapters and parts as well as sections for revisions.

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(b)(3) revised...... 14302
151.35 (h) revised...... 28253
154 Added eff. date 7-1-74...... 28253
155 Added eff. date 7-1-74...... 28256
156 Added eff. date 7-1-74...... 28259
173 Added...... 21399
174 Added...... 21402
174.105 (e) removed...... 24422
177 (Subchapter S) added...... 13347
179 Added...... 15776
181 Added...... 15779
183 Added...... 15782
183.53 Table amended...... 17388
183.67 (a) and (e) tables amended...... 17388
199 (Subchapter X) added...... 3434

## 1973

## 33 CFR

38 FR Page

1.10-1—1.10-5 (Subpart 1.10) revised...... 12396
3.15-55 Revised...... 860
3.15-57 Added...... 860
3.15-60 Revised...... 860
24.35 Amended...... 10085
24.40 Amended...... 10085
92.49 (a), (c) (2) and (3) corrected...... 1587
(b), (e) introductory text, and (e)(3) revised...... 2687
110.120 Revised...... 1928
110.224 (a)(8)(i) and (e)(2)(i) corrected...... 23
110.236 Revised...... 16777
110.237 Removed...... 16777
110.168 (a)(8) revised; (a)(12) added...... 12804
117.155 (b) revised...... 2428
117.200 (k) added...... 15834
117.215 (j)(5) added...... 6390
117.225 (f)(1-b) revised...... 9590
(f)(17) removed...... 15834

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117.245 (i)(20)(i) revised...... 4510
(f) (5-b) and (i)(12-a) revised...... 4977
(i)(20-a) added...... 8433
(i)(12-a) added...... 9589
(g) (11) and (13), (h) (6) and (23), and (i) (2) and (5) removed; (g)(15) revised...... 10086
(g)(17-a) added...... 10720
117.431a (b) removed...... 10086
117.433 Added...... 14095
117.438a Added...... 12396
117.446c Amended...... 14378
117.447 Revised...... 6893
117.485 Revised...... 7115
117.495 Revised...... 7115
117.535 Existing text designated as (a); (b) added...... 8657
117.556 (c)(5), (d), and (e) added...... 4510
(b) amended...... 4977
117.560 (g)(6) revised...... 4511
117.712 (i)(1) revised...... 3509
(d) revised...... 9227
117.714 (h)(2) revised...... 9079
117.720 (a)(1) amended...... 13560
117.722 Added...... 13560
117.200 Amended...... 15834
127.302 Added...... 15049
127.303 Added...... 17441
127.304 Added...... 17441
127.500 Added...... 3409
Revised...... 6069, 14379
127.1201 Added...... 3509
175 Added; eff. 10-1-73...... 8115

## 1973–1974

(Regulations published from July 1, 1973 through June 30, 1974)

## 33 CFR

38 (39*) FR Page

1.01-40 Added...... 32448
1.05-1 *(c)(5) added...... 9176
*(d), (e), and (f) added...... 10131
1.07-1—1.07-23 and appendix (Subpart 1.07) *added...... 19472
1.07-23 *Corrected...... 20203
1.25-30 (b)(6) revised...... 30740
2.01-10 *(b) amended...... 19473
3.01-1 *(b) revised...... 2581
3.04-1 *(b) revised...... 2581
3.04-3 *(b) revised...... 2581
3.25-10 *Revised...... 8613
3.25-15 *Revised...... 8614
3.25-20 *Revised...... 8614
*(b) corrected...... 12007

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NOTE: Asterisk (*) identifies changes published in 1974.

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38 (39*) FR Page

3.25-55 *Removed............................ 8614
3.25-60 *Removed............................ 8614
3.25-65 *Removed............................ 8614
3.65-10 *Revised............................ 17312
3.65-15 *Revised............................ 17312
3.65-55 *Removed............................ 17312
3.65-60 *Removed............................ 17312
26.08 *(b) amended............................ 9176
40.4 *(a) revised............................ 8614
40.8 *(f)(1) and (5) revised............ 8614
40.13 (d) amended............................ 28937
62.01-25 Revised............................ 33472
62.10-1 (a) revised............................ 33472
62.10-10 Removed............................ 33472
62.05-100 Revised............................ 33473
66.05-160 Removed............................ 33473
66.05-169 Removed............................ 33473
66.05-173 Removed............................ 33473
74.05 Subpart heading revised.... 33472
74.05-1 Revised............................ 33472
74.05-5 Added............................ 33472
74.10-1—74.10-5 (Subpart 74.10) removed............................ 33472
80.18 *Note preceding section removed............................ 11541
90.22—90.30 *Undesignated center heading and sections redesignated as 90.38—90.46 ...11541, 24008 24008
90.22—90.29 *Undesignated center heading and sections added............................ 11541
90.38—90.46 *Undesignated center heading and sections redesignated from 90.22—90.30............................ 11541
91.01-10 *(b) amended............................ 19473
95.51 *Note preceding section removed............................ 11543
96.01-10 *(b) amended............................ 19473
100.50 *(b) amended............................ 19473
105.40 *Amended............................ 19473
110.5 (d) revised............................ 33473
110.5 *(c-1) added............................ 11544
*(c-1) corrected............................ 20376
110.60 (u-2) added............................ 30000
110.70a *Added............................ 5314
110.72a Added............................ 33973
110.80 *Revised............................ 12007
110.87 *Added... ............................ 15271
110.90 *Revised............................ 17539
110.157 *(a)(1) revised....... ......... 18279
110.158 (a)(6) revised............................ 30740
(a)(6) corrected............................ 31835

NOTE: Asterisk (*) identifies changes published in 1974.

## 33 CFR—Continued

38 (39*) FR Page

110.168 (d)(1) revised............................ 18373
110.178 *Removed............................ 4478
110.183 (a)(1) and (2) removed... 33474
115.60 *(e) revised............................ 2361
117.75 *(a)(5) revised; (h)(4) added............................ 1582
*(g)(3) added............................ 19942
117.105 *Revised............................ 13775
117.175 *(b) removed............................ 2094
117.190 *(f)(11) removed............................ 2094
117.220 *(p) added............................ 14200
117.225 (f)(9) removed............................ 21631
*(f)(6) removed............................ 4479
*(f)(17-a)(i) revised............................ 12865
117.245 (i)(2) and (5-a) added..... 21631
(j)(40) removed.. ............................ 30000
(g)(17) and (i)(2-a) and (2-b) revised............................ 32137
117.245 *(i)(12-b) added............................ 4479
*(i)(20-a) revised............................ 6608
*(f)(16-b), (16-c), and (18), (g)(3-a), and (j)(25) removed; (g)(3) revised............................ 9662
*(h)(4) added............................ 14201
117.311 *Revised............................ 2581
117.431a *Removed............................ 18767
117.441a *Added............................ 12865
117.446 *(e)(1) revised............................ 14201
117.467 Added............................ 25438
117.495 Amended.............. 18546, 33594
117.540 *Added............................ 18766
117.560 *(f)(2), (2-a), (3), (4), (5), (6), and (7) removed; new (f)(2) added............................ 4479
*(g)(7)(ii) redesignated as (g)(7)(iv); new (g)(7)(ii) added; (g)(7) (i) and (iii) revised............................ 6110
*(g)(2) revised; (g)(3) removed... 20969
117.644a *Added............................ 14505
117.660 *Revised............................ 14201
*(a)(2) amended............................ 16231
117.712 *(e) revised............................ 14202
117.716 (c)(1) revised............................ 26115
117.760 (f) revised............................ 25438
117.785 *(f)(2) revised............................ 5314
117.795 *(b)(1) (i) and (iii) revised............................ 20970
127.202 Added............................ 19379
127.302 Removed............................ 24898
127.303 Added............................ 17441
127.304 Added............................ 17441
127.305 Added.................... 29831, 31428
127.306 Added............................ 22123
127.309 Added............................ 22778

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38 (39*) FR Page

127.310 Added..........28065
127.312 *Added..........9662
127.501 Added..........35307
127.501 *Revised..........11258
127.502 *Added..........6608
*Effective date changed..........6608
127.503 *Added..........12988
127.504 *Added..........12988
128.301 *Added..........18279
177.07 *(f) added..........2583
*(f)(2) corrected..........5488
*(g) added..........10131
177.08 *Added..........2583
183.25 *(b)(1) table CFR correction..........10899
183.33 *(a) and (b) CFR correction..........10899
183.37 *(a) and (b)(2) CFR correction..........10899
183.67 *(b) and (c)(1) CFR correction..........10899
199 *CFR effective date note correctly added..........10899

## 1974–1975

(Regulations published from July 1, 1974 through June 30, 1975)

## 33 CFR

39 (40†) FR Page

1.25-40 (a) and (b) amended..........†23743
3.05-10 Revised..........32558
3.05-15 Revised..........32558
3.05-20 Revised..........32558
3.05-55 Removed..........32559
3.05-60 Removed..........32559
3.05-70 Removed..........32559
3.40-10 Revised..........32131
3.40-15 Revised..........32131
3.40-20 Revised..........32131
3.40-25 Revised..........32131
3.40-30 Revised..........32132
3.40-35 Revised..........32132
3.40-55 Removed..........32132
3.40-60 Removed..........32132
3.40-65 Removed..........32132
3.40-70 Removed..........32132
3.40-75 Removed..........32132
3.40-80 Removed..........32132
3.40-85 Removed..........32132
3.55-10 Revised..........44979
3.55-15 Revised..........44980
3.55-55 Removed..........44980
3.55-60 Removed..........44980

NOTE: Asterisk (*) identifies changes published in 1974

NOTE: Symbol (†) refers to 1975 page numbers.

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39 (40†) FR Page

26.09 Amended..........44980
(b) added..........†19470
62.25-55 Revised..........41362
62.25-55(c) Redesignated as 62.25-60..........41362
62.25-60 Redesignated from 62.55-55(c)..........41362
62.40-5 (a) amended; (b) added...†6339
Correction..........†6971
68 Removed; redesignated as Part 118 and revised..........†24898
74.20 (Subpart 74.20) Revised..........34036
82.120 Revised..........†17023
(b) corrected..........†18429
110.25 (d) and (e) added..........†6339
110.73a Added..........†2689
110.86 Added..........24362
110.129a Added..........†1017
110.229 Added..........41849
110.230 (a)(12) removed; (a)(13) added..........41849
110.238 (a)(1) and (2), and (b)(1) and (2) revised; (a)(3) removed..........†1017
115.10 Revised; eff. 7-11-75..........†24898
115.50 (k)(2) added; eff. 7-11-75..........†24898
115.60 (e)(2) added; eff. 7-11-75..........†24898
117.1a (b) amended; eff. 7-11-75..........†24898
117.75 (g) heading amended..........33798
117.115 (c)(1) revised..........43300
117.130 Heading, (a) and (c)(2) and (4) amended..........†7095
117.131 Heading amended..........†7095
117.180 Revised..........39721
(m)(1) corrected..........41362
117.190 (f)(16) removed..........28435
117.210 (g) added..........31527
117.225 (f)(6) and (6-a) added..........32987
117.235a Heading revised; (c) added..........†19470
117.241 Added..........44452
Added..........†4419
117.245 (h)(8) revised..........28434
(i)(20-a) revised..........31528
(g)(14)(ii) removed..........36334
(i)(24) removed..........36334
(j)(21) removed..........36334
(i)(5) added..........39040
(f)(23) revised..........41362
(i) (3-c) added..........†8175
(i) (6-a), (6-b), and (6-c) redesignated as (i) (6-b), (6-c), and (6-d); new (i) (6-a) added..........†17754

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39 (40†) FR Page

117.431b Removed........................†17754
117.440a Added..............................36335
117.441 Removed............................26154
117.441a Revised; eff. 7-14-75...†25004
117.442 Revised............................†4307
117.442a Added..............................†4307
117.443 Revised............................†4307
117.445 Added..............................†19471
117.446 (a) and (b) revised; (c) removed............................36335
117.446c (a) through (c) redesignated as (b) through (d); new (c)(3) amended; new (a) added.........................................39040
117.446g Added..............................†20817
117.463 Revised............................†10987
117.536 Added..............................40156
117.540 (b)(2) amended................41849
(b)(2) amended..................†3290, 4307
(a)(3) amended............................†10987
117.550 (b) and (d) revised.........†14594
117.553 Added..............................27649
117.641 (f)(3) and (4) revised.......33671
117.645 Revised............................27901
117.663 (j) added............................†4308
117.700 (k) added............................†4308
117.707 Heading and (a) and (b) revised............................................32986
117.707b Added..............................†4308
117.709 Added..............................28435
117.711 (b)(1) revised....................33671
117.714 Revised............................†14594
117.715 Revised............................†14595
117.716 Revised............................†14595
117.740 Revised............................32986
117.755 (a)(2) amended..................34529
117.759b (f)(4) removed; (f) (10)-(15) added..........................32986
(f)(10) revised............................†8175
117.760 Revised............................†5147
117.775 (b)(2) removed..................26154
117.790 (b)(2)(i)(*a*), (ii), and (iv) amended...........................................33798
117.795 (b)(1)(i), (ii), (iii), (iv), (v), and (vi) amended...............33798
118 Added; redesignated from Part 68 and revised; eff. 7-11-75..........................................................24898
124.14 (b)(1) revised........................†4308
127.314 Added..............................36963
127.316 Added..............................†5508
Removed........................................†8175
127.317 Added..............................†6205
127.318 Added..............................†7095
Removed........................................†10987

Note: Symbol (†) refers to 1975 page numbers.

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39 (40†) FR Page

127.501 Added..............................41850
Added.............................................†17754
127.504 Removed............................†5147
127.1401 (a)(3), (4), (5), and (6) removed; (b)(1) revised; (b)(4) added.............................................†1017
127.1701 Added..............................29355
128 Authority citation revised......32133
128.05 (c) added..............................32133
128.07 Added..................................32133
128.501 Added..............................32133
128.1401 Authority citation added.............................................32134
135 Technical correction...43544, 44010
135.25 (b) revised; (c), (e), (f), and (g) amended; (d) added.....41363
Corrected........................................43057
135.35 Removed..............................41363
135.50 (b) removed; (d) and (f) amended.......................................41363
144 Authority citation revised....†8176
144.01-30 Amended..........................†8176
144.10-1—144.10-10 (Subpart 144.10) revised..........................†8176
151.50—151.53 Undesignated center heading added..............30125
151.50 Added..................................30125
Corrected........................................31901
151.53 Added..................................30126
159 Added........................................†4624
160 Added........................................†6654
Subchapter P (Part 161) Established.............................................25431
160 Added........................................†6654
161 Added........................................25431

## 1975–1976

(Regulations published from July 1, 1975 to June 30, 1976)

## 33 CFR

40 (41Δ) FR Page

1.05-3 Added..................................Δ7506
1.05-15 Revised..............................Δ7506
1.05-20 Removed.............................Δ7506
1.05-30 (a) amended......................Δ7506
1.08-1—1.08-5 (Subpart 1.08) Added...........................................Δ17894
2 Heading and text revised..........49326
3.15-10 (b) revised.........................45167
3.15-15 Revised..............................45168
3.15-25 Revised..............................45168
3.15-50 Removed.............................45168
3.15-55 (b) revised.........................45168

Note: Symbol (Δ) refers to 1976 page numbers.

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| | 40 (41Δ) FR Page |
|---|---|
| 3.15-57 (b) revised | 45168 |
| 3.15-60 (b) revised | 45168 |
| 3.15-65 Removed | 45168 |
| 3.85-10 Revised | 28451 |
| 3.85-15 Revised | 28451 |
| 3.85-55 Removed | 28451 |
| 3.85-60 Removed | 28451 |
| 3.85-65 Removed | 28451 |
| 25 Revised | Δ9328 |
| 52 Revised | Δ17895 |
| 66.05-100 (g)(1) added | Δ12879 |
| 82 Authority revised | Δ23400 |
| 82.15 (b) amended | Δ23400 |
| 82.65 Revised | Δ8769 |
| 82.95 Amended | Δ23400 |
| 82.103 Amended | Δ23400 |
| 82.106 Amended | Δ23400 |
| 82.131 Corrected | Δ23400 |
| 82.220 Revised | Δ5280 |
| 84 Authority revised | Δ23400 |
| 100.05 (b) removed | 49327 |
| 110.87 (b) amended | 51637 |
| (b) amended | Δ2086 |
| 110.214 (a)(2) removed; (a)(1) (ii) and (3)(i) revised | 30641 |
| 117.115 (c)(1) revised | 31938 |
| 117.160 (h) added | Δ2385 |
| (h) effective date corrected | Δ3857 |
| Amended | Δ11289 |
| 117.161 Added | Δ2385 |
| Effective date corrected | Δ3857 |
| 117.162 Added | Δ13922 |
| 117.166 Added | Δ2385 |
| Effective date corrected | Δ3857 |
| 117.190 (f) (1) through (6) revised | 51637 |
| 117.215 (j)(6) added | 49327 |
| (j)(2-a) added | Δ26009 |
| 117.225 (f)(2) revised | 58857 |
| 117.245 (h)(28) revised | 32328 |
| (i)(20-b) added | 41524 |
| (f)(28b) removed; (i)(2-c) added | 43213 |
| (h)(8) revised | 51637 |
| (i)(15-a) added; (j)(9) revised | Δ7945 |
| (j)(13) removed | Δ24585 |
| 117.290 Revised | 33449 |
| 117.360 Removed | 33450 |
| 117.432 Revised | Δ11290 |
| Technical correction | Δ15324 |
| 117.434 Revised | 32328 |
| 117.436 (b) revised | Δ6260 |
| 117.438 (b) added | Δ23400 |
| 117.446b Revised | Δ754 |
| 117.485 Revised | 32329 |

NOTE: Symbol (Δ) refers to 1976 page numbers.

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| | 40 (41Δ) FR Page |
|---|---|
| 117.505 Added | Δ7945 |
| 117.536 Removed | Δ16798 |
| 117.540 (c) redesignated as (d); new (c) added | Δ2385 |
| 117.604 Added | Δ11289 |
| 117.641 (f)(7) and (7a) removed | Δ7946 |
| 117.663 Revised | Δ7946 |
| 117.712 (f) removed | Δ10434 |
| 117.740 (a)(5) notes added | 51195 |
| 117.761 Added | Δ11289 |
| 117.762 Added | 56430 |
| 117.775 (b)(5) revised; (b)(6) and (8) removed | Δ7947 |
| 117.776 Added | Δ7947 |
| 117.784 (d)(1) revised | 42189 |
| 117.785 (e)(1)(i)(D) and (f)(3) revised | Δ18299 |
| 117.790 Revised | Δ10434 |
| 117.810 (f)(9) revised | 54242 |
| (f)(8) removed | Δ2385 |
| (f)(5) revised | Δ7947 |
| 127.100 Added | Δ2086 |
| Removed | Δ5634 |
| 127.101 Added | 33034 |
| 127.102 Added | 37036 |
| Removed | 45168 |
| Added | Δ26570 |
| 127.103 Added | Δ26570 |
| 127.305 (a)(3) added | 30961 |
| 127.317 Revoked | Δ22346 |
| 127.321 Revoked | Δ22346 |
| 127.321 Added | 27939 |
| Removed | Δ22346 |
| 127.322 Added | 30641 |
| Removed | 31652 |
| 127.333 Added | 37037 |
| Removed | 45169 |
| 127.334 Added | Δ755 |
| 127.335 Added | Δ6260 |
| 127.340 Added | Δ26571 |
| 127.342 Added | Δ26680 |
| 127.503 Added | 32831 |
| 127.504 Added | 47108 |
| 127.505 Added | Δ12301 |
| 127.801 Added | 33972 |
| Removed | Δ16799 |
| 128.801—128.801.41 (Subpart C) Added | 56431 |
| 148—150 (Subchapter NN) Added | 52553 |
| 148 Added | 52553 |
| 148.109 (g), (u)(4), and (z)(1)(ii) corrected | 58144 |
| 148.205 (a) corrected | 58143 |

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40 (41Δ) FR Page

148.501—148.509 (Subpart E) Added .......... Δ16800
148 Appendix A corrected .......... 58143
149 Added .......... 52565
150 Added .......... 52572
150.117 (f) removed .......... 58143
150.207 (c)(4)(iv) corrected .......... 58143
(b)(3) corrected .......... 58144
150.425 (a) corrected .......... 58144
150.509 Table corrected .......... 58144
151.35 (c) and (d)(2) revised .......... 48283
153 Revised .......... Δ12630
155.470 Revised .......... 42190
157 Added .......... 48283
157.03 (aa) added .......... Δ1482
157.08 (a)(4) added .......... Δ1482
157.09 (b) corrected .......... 49328
(d) revised; (e), (f), and (g) added .......... Δ1482
157.24 (c) added .......... Δ1482
157 Appendix A corrected .......... 49328
159.3 (c), (g), and (o) revised; (p) through (s) added .......... Δ15325
159.5 Revised .......... Δ15325
159.7 Revised .......... Δ15325
159.12 (b) revised .......... Δ15325
159.13 Removed .......... Δ15325
159.14 (a) Revised .......... Δ15325
159.15 (a) amended .......... Δ15326
159.53 Revised .......... Δ15326
159.55 (a)(6) added .......... Δ15326
159.57 (a)(2) and (b)(12) revised; (b)(16) and (17) added .......... Δ15326
159.89 Heading revised; text amended .......... Δ15326
159.97 Revised .......... Δ15326
159.101 Amended .......... Δ15326
159.123 Heading and (a) revised .......... Δ15326
159.125 Heading and introductory text revised .......... Δ15326
159.126 Added .......... Δ15326
159.126a Added .......... Δ15326
159.127 Amended .......... Δ15326
173 Appendix amended .......... Δ23401
174.125 Revised .......... Δ23401
175.17 (a) revised eff. 10/1/77 .......... Δ23954
183.3 Revised .......... 43856
183.25 (b)(1) revised .......... 43856
183.33 (a) revised .......... 33973
(b)(1) revised .......... 43857
(a) formula corrected .......... 51440
183.35 (b)(1) revised .......... 43857
183.37 (b)(1) revised .......... 43857
183.53 (a) revised .......... 43857

NOTE: Symbol (Δ) refers to 1976 page numbers.

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40 (41Δ) FR Page

183.67 (a) table amended .......... Δ11290
(a) note corrected .......... Δ12301

## 1976–1977

(Regulations published from July 1, 1976 to June 30, 1977)

## 33 CFR

41 (42*) FR Page

1.25-30 (b)(1) through (6) revised; (b)(7) through (12) removed .......... *23507
1.25-40 (b) table revised .......... *31159
3.40-20 Heading and (a) revised; (b) amended .......... 37104
3.70-10 Revised .......... *6581
3.70-15 Revised .......... *6581
3.70-55 Removed .......... *6581
3.70-60 Removed .......... *6581
19.20 Removed .......... 38770
25.127 Revised .......... 39742
25.309 Revised .......... 39742
25.415 (a)(3) revised .......... 39742
25.703 (a) and (c) revised .......... 39742
(a)(1) introductory text revised; (b)(2) removed .......... *22879
25.705 (g) revised .......... *22879
25.713 (e) and (f) revised .......... *22879
25.717 Added .......... *22880
25.805 (d) revised .......... *22880
25.1409 (d) added .......... *22880
40.3 (d) amended .......... *11
40.4 (b) introductory text, (2) and (4), and (c) amended; (b)(1) and (3) revised .......... 47235
40.10 Amended .......... 47236
40.11 Revised .......... 47236
40.12 (c), (d), (i), and (j) revised .......... 47236
40.13 (b) and (c) revised .......... 47236
74.20-1 Revised .......... 49809
87 Subchapter DD and Part Added .......... *17111
Appendix A corrected .......... *18401, 20625
(Subchapter DD) Note added .......... *26976
92.09 Removed .......... *2681
92.15 Removed .......... *2681
92.19 (a) amended .......... *2681
109 Authority citation amended .......... 36019
109.07 Added .......... 36019
110.1a Added .......... 36019
110.33 Added .......... 39743
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